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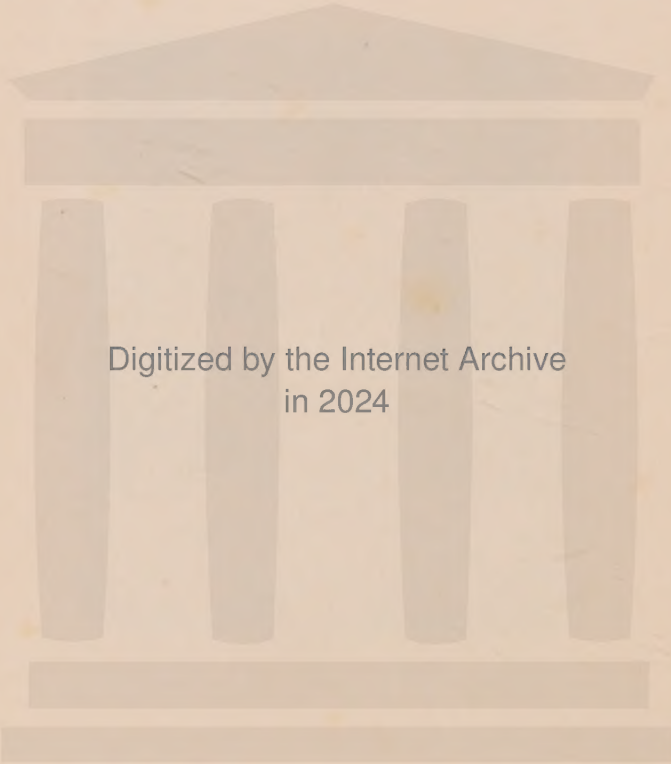
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THE COLONISATION OF
NEW ZEALAND

THE COLONISATION OF NEW ZEALAND

BY

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TO
MY MOTHER

PREFACE

THIS work was originally submitted to the Committee for Advanced Studies in the University of Oxford as a dissertation for the degree of Doctor of Philosophy, and it is now submitted to the public in the hope that it may prove of use to those interested in the theory and practice of colonisation as well as to those interested in the foundation history of the smallest, youngest and (say many) happiest of the British Dominions.

Many books have been written about New Zealand—books good, bad and indifferent (the bad and the indifferent predominating), books of travel and of sport, books on the Maoris, the whites, and the relations between the two, books on the land and the settlement of the land, books by missionaries, by settlers and by visitors, books by scientists, historians and men of letters, books written in a spirit of sweet reasonableness, and books written in the unreasoning spirit of partisanship : of this latter character, alas ! too many, for New Zealand, born amid controversy, received its baptism in the fiery trials of a war of races.

It was time that some attempt should be made to write a comprehensive and impartial account of the colonisation of New Zealand from all the sources, official as well as unofficial. Mr. G. W. Rusden's *History of New Zealand* is, indeed, a work that runs into three volumes. But, in the first place, the book is polemics, not history. And secondly, its treatment of the colonisation of New Zealand is unsatisfactory in that it leaves almost untouched the theory upon which that colonisation was carried out. Neither does Dr. T. M. Hocken's *Early History of New Zealand*, though an admirable book in most respects, give the enquirer much satisfaction on this all-important point. Reading these authors, and especially the first, one would hardly suppose that the colonisation of New Zealand was undertaken by men with a gospel to propagate,

‘ According to the ideas of its founders New Zealand, like South Australia, was to have been a “ self-supporting ” colony. But it eventually cost the British Treasury several hundreds of thousands of pounds.

‘ In the early misgovernment of New Zealand the Colonial Reformers (many of whom were members of the New Zealand Company) found all the material they needed for a series of attacks on the Colonial Office.’ Later, the New Zealand Government Act of 1852 embodied, for the first time in the history of colonial development, certain advanced constitutional ideas of the Reformers (many of whom now belonged to the Canterbury Association).’

The principal sources which have been used will be found set forth at the end of the book.

There remains the pleasant duty of thanking those who have interested themselves in the writing and publication of this book. Professors Egerton and Coupland, who were appointed to act as my supervisors, aided me all through with advice and encouragement. Furthermore, were it not for the latter’s active assistance, publication must have been indefinitely delayed. It was he who acted for me in all things after my departure from England, and his efforts have been altogether invaluable. My friends, Messrs. Ferguson and Wheen, formerly of Christ Church and New College respectively, between them read through the whole book in manuscript and submitted many a valuable suggestion. To all these gentlemen I owe a big debt of gratitude.

In addition, I beg to thank the Rhodes Trustees, the Warden and Fellows of New College, and the Advanced Studies Committee for their generosity in contributing towards the sum required as guarantee by the Clarendon Press.

Finally, I have to thank the gentlemen in charge at the Reading Room of the British Museum, at the Libraries of the Colonial Institute and the Colonial Office, at the Public Record Office, at the *Archives Nationales*, and at the Archives of the Church Missionary Society for their uniform courtesy and kindness.

J. S. M.

RUST EN WERK, DAL JOSAPHAT,
PAARL, SOUTH AFRICA.

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LIST OF ABBREVIATIONS

A. to J.	Appendices to Journals.
Cant.	Canterbury.
C.M.S.	Church Missionary Society.
C.O.	Colonial Office (prefixed to the reference number of the Colonial Office papers preserved in the Public Record Office).
Encl.	Enclosure.
H. of R.	House of Representatives.
H.M.	Her Majesty.
<i>J. of P.</i>	Journal of Proceedings.
N.Z.	New Zealand.
N.	Note.
<i>P.P.</i>	Parliamentary Papers. (The references in the footnotes indicate the year when the Papers were presented to Parliament, the number of the volume in which they are bound, and the <i>manuscript</i> paging throughout the volume (<i>e.g.</i> <i>P.P.</i> 1844, xiii. p. 710). In the few instances where there is no manuscript paging the number and the page of the particular Paper are given (<i>e.g.</i> <i>P.P.</i> 1847, xxxviii. [763] p. 300).
P.C.	Provincial Council.
<i>Report</i>	Report of the Directors of the New Zealand Company.
Sec.	Secretary.
V. and P.	Votes and Proceedings.

I

THE COLONISERS OF 1830

THROUGHOUT the third and fourth decades of the last century various schemes of emigration and of colonisation were attracting a great deal of public attention in Great Britain. The reason is not far to seek. The Industrial Revolution, aided by a philanthropic but misguided administration of the Poor Law, had caused an alarming increase in the population, which in England and Wales doubled itself between 1750 and 1830.¹ Great cities had sprung up in the North, and in all of them slums were a distressing feature. Employment was precarious, wages were miserably inadequate, and the Corn Laws were keeping high the price of bread, the staple food of the poorer classes. The new Poor Law of 1834 had for the moment increased the misery of the poor by abolishing outdoor relief and enforcing a strict, almost brutal, workhouse test. All writers on social questions between 1830 and 1848 paint a gloomy picture of the condition of the working classes both in town and country.²

But it was not among the labouring class only that the evils of over-competition were making themselves felt. Speakers and writers complained that the higher professions were overstocked, while the heads of old-established families were anxiously asking what was to become of their younger sons.

Nor were the capitalists immune from the evils of the time.

¹ See also the figures given for Great Britain and Ireland in G. R. Porter, *The Progress of the Nation* (London, 1836), pp. 11-13.

² The *locus classicus* is Carlyle, *Past and Present* (1843). See also F. Engels, *The Condition of the Working Class in England in 1844*. (German edition published in 1845.)

In the *London Commonweal* of 1st March, 1885, Engels thus describes capitalist conditions in the forties :

Forty years ago England stood face to face with a crisis, solvable to all appearances by force only. The immense and rapid development of manufactures had outstripped the extension of foreign markets and the increase of demand. Every ten years the march of industry was violently interrupted by a general commercial crash, followed, after a long period of chronic depression, by a few short years of prosperity, and always ending in feverish over-production and consequent renewed collapse.

By many these periodical crises were ascribed to a surfeit of capital seeking investment and often forced into questionable channels, and a cry arose for new markets, if necessary in new countries.

After 1820 the misery of the proletariat began to weigh more and more heavily on the minds of statesmen and philanthropists. Malthus had advocated moral restraint as the only real preventative of social distress, but that remedy, like the grinding of the mills of God, would be very slow in its operation, while the philanthropists and politicians wanted to see immediate results. They turned naturally to emigration. Thus it came about that in spite of the general faith in the gospel of *laissez faire*, Parliament, its hand forced by the condition of the poor, in 1819 voted £50,000 for emigration to the Cape, and in 1821 a still larger sum for emigration to the Cape and Canada.¹ Again, in 1823 ² and 1825,³ the sums of £15,000 and £30,000 respectively were voted to put into practice a scheme advocated by Wilmot Horton for settling paupers in Canada. In 1826 and 1827 he obtained Committees of the House of Commons to report on the subject of emigration. Both Committees laid great stress on the necessity of emigration from Ireland, but they also advocated emigration from England as far more economical than the cultivation of poor waste land merely to employ the people.⁴

On the whole, however, this form of assisted emigration did

¹ Appendix XVIII. to *Report of the Departmental Committee on Agricultural Settlements in British Colonies*. Vol. II. Cd. 2979, p. 327. Quoted by R. C. Mills, *The Colonisation of Australia* (London, 1915), p. 37.

² *P.P.* 1823, vol. xiii. p. 301.

³ *P.P.* 1825, vol. xviii. p. 358.

⁴ *P.P.* 1826, iv. p. 3 ; *P.P.* 1826-7, v. pp. 7 and 232-3.

not justify in the eyes of Parliament the sums spent, and after 1831 we hear no more of it. A new school of thinkers and writers had arisen which was destined to purge men's minds of old ideas on emigration and to exercise for some years an important influence on Governments and Colonial Secretaries.

In 1830, Edward Gibbon Wakefield founded the Colonisation Society, which had for its object the inculcation of the principles of Systematic Colonisation.¹ 'The subject' (that of colonial administration), wrote Wakefield, '... presented before 1830 one very remarkable feature, namely, an immense amount of practice without any theory. There were long experience without a system, immense results without a plan; vast doings, but no principles.'² Especially was this true of the sale of waste land in the colonies. The Colonial Office had a policy indeed, namely that of free grant, after 1824 occasionally modified by the charge of an 'average price' at the Governor's discretion, but it had never thought out the implications of that policy. The results were deplorable. In the British North American colonies, where the 'system' had had the longest trial, such large tracts of land had passed into the hands of individuals or associations, often absentee, that the Crown had hardly any land available for the settling of emigrants, though the waste lands of those huge territories were crying aloud for cultivation and settlement. By 1830 it was too late to save the situation in the North American colonies, but Australia presented a practically virgin field where the Reformers might work out their ideas.

These ideas may be summarised under three aspects, namely social, economic and political. On the social side the Reformers of 1830, while upholding the efficacy of emigration as a means of relieving congestion and distress at home, objected to the mere 'shovelling out' of paupers, under the influence of Wilmot Horton, 'to where they might die without shocking

¹ Its members included Grote and J. S. Mill. Other valuable members were Rintoul (editor of the *Spectator*), Colonel Torrens and W. Horton. R. Garnett, *Edward Gibbon Wakefield*, chapter iv. Mrs. Fawcett in her *Life of Sir W. Molesworth* (p. 137) proves that Molesworth could not have been a member of the Society in 1830.

² Quoted by R. Garnett, *Edward Gibbon Wakefield* (London 1898), p. 70.

their betters with the sight or sound of their last agony'.¹ They held that the emigrants should be very carefully selected. The lowest *class* of the population do not make good emigrants, since their energies have been sapped and their self-reliance destroyed by the hardships of their life at home. Further the *age* of intending emigrants was an important consideration. Young married couples should be selected as far as possible, both for their intrinsic excellence as colonists, being ambitious and adaptable, and because their emigration would cause a great gap at home and a great increase in the population of the colony of their adoption. Lastly, the emigrants should form a real colony, in the Greek sense of that term, being drawn not from one class of the population only, but affording a complete epitome of the society of the mother country.² In his *Art of Colonisation*, which embodies his theories in their maturest form, Wakefield comments severely on the manners and morals of colonial societies, ascribing colonial vulgarity and 'smartness' partly to a haphazard mode of colonisation.³ First of all he would have men and women of gentle birth and upbringing emigrate to his colonial Utopia, since they would be sure to draw in their train both labour and capital. Above all, says Wakefield in a fine passage, your colonies must be made attractive to women. 'It was the matrons more than the fathers of the New-England pilgrimage that stamped the character of Massachusetts and Connecticut; that made New England for a long while the finest piece of colonisation the world has exhibited.'⁴

We shall often find the Reformers of 1830, and the men who worked under their influence, harking back to the great age of English colonisation in the seventeenth century, and drawing from the history of those heroic times precepts for the perfection of their own art of colonisation.

On the economic side Wakefield developed the theory of the 'sufficient price.' Land, he pointed out, by itself, without the application of labour and capital, was perfectly useless: the practice of giving free grants had kept both capital and labour

¹ From 'A Speech of Charles Buller, M.P., in the House of Commons on Tuesday, 6th April, 1843'. Appendix No. 1 of E. G. Wakefield's *Art of Colonisation* (London, 1849), p. 492.

² *Ibid.* pp. 483-4.

³ *Ibid.* Letter XXIII.

⁴ *Ibid.* p. 156.

away from the undeveloped lands in the colonies. Capitalists would never emigrate to a colony, unless they were assured of labourers in some degree sufficient for their needs. The first step on the road to reform should be the abolition of the whole system of alienating land by means of free grant. But that was not enough. Economically, Wakefield's ideal for a colonial society was that labourers and 'capitalists' should exist there in the right proportion, and he maintained that, by fixing a certain definite price on waste lands (a price that has to be determined by experience in each colony), this end might be obtained. In all new colonies there was the danger of a dearth of labourers through the latter becoming landowners too soon. The price must be sufficient to restrain that tendency. On the other hand it must not be so high that labourers would be unduly prevented from acquiring land, wages forced down, and the colony rendered unpopular.¹ The proceeds of land sales should form the Emigration Fund of the colony and be devoted to the encouragement of labour emigration.² The result would be that emigrants would pour into the colony at a rate of which there has been no experience in the settlement of new countries.³

Finally, on the political side, Wakefield and his school condemned the methods of the Colonial Office, and persistently

¹ *Ibid.*, p. 339, and see generally Letters XLVI. to XLIX. Wakefield tried to give his theory scientific precision. To determine the 'sufficient price,' he wrote, the investigator must know (i) the character of the soil and climate, (ii) the rate of wages and cost of living in a colony, (iii) the period for which a labourer should work for hire. Thence he can ascertain the average living area for the individual landholder and the amount a labourer would save during his period of service. Simple division gives the required price. (*Ibid.* pp. 347-8). But there are two factors that militate against the scientific accuracy of Wakefield's theory. They are the impossibility of determining (i) the number of labourers a 'capitalist' will employ, because that number varies with varying circumstances (see Paul Leroy-Beaulieu, *De la Colonisation chez les Peuples Modernes* (Paris, 1891), pp. 630-1), and (ii) the number of emigrants that will be introduced into a colony at different times by the same Emigration Fund, because transport costs are subject to continual change. Stripped, however, of its pretensions to mathematical accuracy the theory embodies the following useful maxims: (i) land should be sold at a sufficiently high price, (ii) emigration should be artificially stimulated to new and distant colonies, (iii) emigrants should be carefully selected. (See text, chap. i. and iv.)

² *Ibid.* p. 377.

³ *Ibid.* p. 379.

advocated what they called municipal self-government. In his books and articles Wakefield is continually sneering at colonial administration. Efficient administration, he held, was not to be expected from an office separated by such great distances from the lands it was supposed to govern. The only remedy was to give self-government to those communities that were fitted to exercise it, and particularly to all those colonies of temperate climate where Englishmen had gone in large numbers to settle. To all such colonies Wakefield would give the most ample measure of self-government, reserving to the mother country the control of four departments of administration: the army and navy, foreign affairs, postal service between England and the colonies, and waste lands.¹ But with these advanced ideas on the government of dependencies Wakefield and his friends were no believers in the necessary disruption of the Empire. They were imbued with the same ardent imperialism as inspired Lord Durham when he wrote his Report, being convinced that, if the Englishmen in the colonies (to Wakefield the inhabitants of Canada or New South Wales were still Englishmen), were given their just rights, all disruptive tendencies would be nipped in the bud, and the strong cement of racial community bind the colonies to the mother country for many years to come.

The theory of the 'sufficient price' was Wakefield's most original contribution to the evolution of a colonial policy, and it was that portion of his system that was the first to lay hold on the official mind. At the end of 1830 Lord Goderich and Lord Howick took charge of the Colonial Office. The latter was particularly interested in colonisation, and had come under the influence of Wakefield's ideas, as is clearly shown by a perusal of the instructions to the Governors of New South Wales, Van Diemen's Land, and Western Australia of January 1831,² which announced a complete *volte face* in the land policy of the Colonial Office. The whole 'system' of free grants was strongly condemned, and it was provided that henceforth all Crown lands were to be disposed of by auction at the minimum upset price of five shillings per acre. Wakefield denounced the upset price as by no means 'sufficient', and strongly objected to the principle of sale by auction. As late as 1849 he wrote

¹ *Ibid.* Letter XLIII.

² *P.P.* 1831, xix. pp. 115-8.

in *A View of the Art of Colonisation*: Lord Grey (the Lord Howick of 1831) 'loves it as a mother does her rickety child, all the more when its deformities are pointed out'.¹ Still a very important vantage ground had been gained: the Colonial Office had subscribed to the principle of a sufficient price.

The other portion of the Wakefield theory, namely the application of the proceeds of the land sales as an Emigration Fund, took a longer time to work itself out in practice. In 1831 £10,000 of the Land Fund of Van Diemen's Land and New South Wales was applied towards the payment of half the passage money of emigrants from home,² and in 1835 the whole of their passage money was thus defrayed.³ By 1837 the principle of the application of a portion of the Land Fund to emigration was well established, though here again Wakefield's ideas fell short of full acceptance.

Under Wakefield's influence better methods of selecting emigrants and of superintending their passage were being tried after 1830. In 1831 the Government appointed an Emigration Commission whose duties were to collect and publish such information as might be useful to intending emigrants.⁴ The work of selecting emigrants was at first performed largely by shipowners, or in the case of females entrusted to charitable institutions like the London Emigration Committee. The result was that 'the idle, the troublesome, the dissipated and the infirm, are mustered from all quarters by parochial authorities, happy to be rid of such characters on any terms.'⁵ The evils of female emigration under this form of haphazard superintendence were worse still, and the scenes on board the female

¹ *P.P.* 1831, xix. p. 361.

² Goderich to Bourke, 28th Sept., 1831 (Encl. 4), *P.P.* 1831, xix. p. 131.

³ Aberdeen to Arthur, 17th Feb., 1835, C.O. 408/10. The Colonial Land Fund produced in 1832, £10,000; in 1833, £26,000; in 1834, £40,000; 1835, £80,000; 1836, £130,000; Elliot's *Evidence* before the Lords' Committee of 1837-8. *P.P.* 1837-8, vol. xxi.

⁴ The Commission consisted of the Duke of Richmond, Lord Howick, R. W. Hay, F. Baring, H. Ellis, with T. F. Elliot as secretary. 'Report of the Agent-General for Emigration 1838' (*P.P.* 1837-8, vol. xl. p. 1). See also Elliot's *Evidence* before the Lords' Committee of 1837-8 (*P.P.* 1837-8, vol. xxi.).

⁵ *Report of Surgeon James Evans, of the 'William Metcalfe', 17th March, 1837.* Quoted by R. C. Mills, *op. cit.* p. 184.

emigrant ships were often unspeakable.¹ In 1837 the London Emigration Committee resigned a thankless task, and Mr. T. F. Elliot of the Colonial Office became Agent-General for Emigration, which thus at length became a Department of Government administered by a responsible officer.²

The new colonial policy was not long in making its results felt. Canada, for reasons already explained, was not much affected by the change, but emigration to the Australian colonies increased by leaps and bounds. While 11,711 emigrants had gone thither between 1824 and 1832, emigration returns for the next eight years reveal a total of no less than 104,487 souls.³ And on the whole, in spite of the evils that still persisted, the emigrants who went out after 1830 belonged to a better class than had their predecessors.

One of Wakefield's enduring claims to fame is that he and his followers once more made emigration to the colonies a popular theme in England. The system of transportation to the colonies had tinged the whole subject of emigration with the doubtful hue of convictism. In New South Wales in 1828 the free-born settlers amounted to 13,400, while the convicts and ex-convicts numbered over 23,000.⁴ After 1831 free emigrants poured into New South Wales in great numbers, and the convict element was gradually swamped.

So far Wakefield's ideas had been applied, and only partially applied, to lands already settled, all of which moreover bore the convict stamp. But the theorists of 1830 yearned for a field where they could carry their whole system into effect untrammelled by the restraints of the Colonial Office. They turned their attention to the territory round Spencer's Gulf which had been brought before the notice of the public by Captain Sturt's account of his voyage along the River Murray in 1830. In 1832 they formed themselves into a Joint Stock Company, under the style of the South Australian Land Company. Negotiations ensued with the Colonial Office, but Goderich disliked the large powers which the Company wanted

¹ See the evidence quoted by R. C. Mills, *op. cit.* p. 186.

² See Elliot's *Evidence* before the Lords' Committee of 1837 on New Zealand. *P.P.* 1837-8, vol. xxi. pp. 678-684. He states that for the year 1837, out of a total emigration of 70,000, he sent 3000 to New South Wales. *Ibid*, p. 683.

³ E. G. Wakefield, *op. cit.* p. 496.

⁴ *P.P.* 1830-1, vol. iv. p. 85.

to secure for itself and the settlers and refused his assent to its proposals.¹ Stanley, who succeeded Goderich at the Colonial Office, adopted the same attitude,² and about the middle of 1833 the Company was dissolved, in spite of the fact that a large sum had been subscribed by intending settlers. Nothing daunted, Wakefield set to work afresh, and towards the end of 1833 another body, this time calling itself the South Australian Association and disclaiming all monetary interest in its venture, approached the Colonial Office, but once more without success.³ The systematic colonisers continued their siege of the obdurate Department, and at length their efforts were crowned with success. The bill of the Association, as modified by the Colonial Office, became law on 15th August, 1834. A dual control was set up: ten Commissioners irresponsible in their own sphere were appointed to control colonisation and the sale of land, while the government was to rest in the hands of a Governor responsible to the Colonial Office.⁴ Further delays supervened and three of Wakefield's supporters refused to serve as Commissioners. The Commission ultimately appointed was described by Wakefield as 'composed, begging their pardon, of ignorant and careless amateurs.'⁵ To such a body was it proposed to entrust the conduct of an experiment that even in the hands of able men was fraught with difficulties and dangers. No wonder that Wakefield washed his hands of South Australia and its colonisation.⁶ No wonder, too, that

¹ R. W. Hay to Torrens, 6th Aug., 1832.

² Stanley to Whitmore, 22nd Aug. 1833. *P.P.* 1841, vol. xvii. p. 27.

³ J. Lefevre to Whitmore, 17th March, 1834. *P.P.* 1841, vol. xvii. pp. 39-40. It is interesting to note that, when New Zealand attracted their attention, the colonisers first tried an Association and then formed a Company. See below, Chap. III.

⁴ E. G. Wakefield, *op. cit.* p. 49.

⁵ *Ibid.* p. 50.

⁶ He did not do that publicly, however, until 1841, when the failure of the scheme had become apparent in England. 'Dual control' was not, in fact, the main reason for its failure. There were other important factors, among which were the faults to which the Wakefield System is liable. Three of these factors were: The despatch of the emigrants before the economic possibilities of the colony had been tested; the attempt to establish a colony without financial assistance from the Home Government; and speculation in land values. The same faults were to reappear in the colonisation of New Zealand. (See below, Chap. VI.)

after this experience of Colonial Office procedure he became more than ever a relentless foe of that Department, and never trusted it again. He came to believe that within its precincts there lurked a subtle foe who always remained at his post whatever Secretaries of State might come or go. These convictions will become of importance in the study of Wakefield's later labours in colonisation. For he was of a restless nature, and baulked of his project of colonising South Australia according in his own ideas he was already looking towards the islands of New Zealand.

II

THE OPPONENTS OF COLONISATION

THE colonisers of New Zealand were never tired of pointing out that there were two principles at work in its foundation and government, namely the colonising and the missionary principles, and that they were mutually antagonistic. Between them the Colonial Office was to act as arbiter, subjecting the bodies professing them to a compulsory and biased rule. In order to explain the difficulties with which the New Zealand Association, and later the New Zealand Company, had to contend, it is necessary to give some account of its two adversaries, the Church Missionary Society and the Colonial Office, as well as of the reasons for their animosity.

The Church Missionary Society, like the Missionary Societies of other Protestant denominations, had its origin in that evangelical revival that was ushered in by the Wesleys, Whitefield and other clergymen of the Church of England as a protest against the religious apathy of their time. The leaven of their teaching and example worked slowly at first. The 'earnest' Churchmen were for a long time a despised sect. The Church Missionary Society was not founded until 1799, and for many years after its foundation had to contend against the indifference, if not actual hostility, of the highest dignitaries of the Church.¹

But the Evangelicals of the early days were men of courage as well as piety, and they were not to be denied their mission. In 1796 was formed the famous Clapham sect, whose leader was John Venn, and among whose members were such men as William Wilberforce, Charles Grant (father of Lord Glenelg), James Stephen (whose son became the famous Permanent

¹ Eugene Stock, *History of the Church Missionary Society* (London, 1899), vol. i. pp. 64, 72.

Under-Secretary of the Colonial Department), and Zachary Macaulay.¹ Their aim was the evangelisation of the world, but they realised that it was necessary first of all to evangelise England. The latter was a long process which, however, ultimately bore good fruit. Besides a deepening of the religious life, there was gradually evolved in England a greater readiness to bear the 'white man's burden', and a more intense sympathy with the backward and oppressed races of the world.

In 1807 Wilberforce set the crown upon his career by obtaining from Parliament the abolition of the Slave Trade; but it required twenty-seven more years of propaganda on the part of the 'Saints' (as the evangelicals were called by 'wits and worldlings'²) to obtain the abolition of slavery as an institution. During the decade that saw the adoption of this great philanthropic measure the Evangelical Movement probably reached its zenith. Exeter Hall,³ the material manifestation of its influence and power, was opened on 29th March, 1831. In the summer of 1836⁴ Fowell Buxton obtained his Aborigines Committee, who by their famous *Report*⁵ of 1837 profoundly

¹ *Ibid.* pp. 41-2.

² Dean Church, *The Oxford Movement* (London, 1891), p. 12.

³ James Stephen thus, in a characteristically Corinthian passage, alludes to this building: 'Midway between the Abbey of Westminster and the Church of the Knights Templars, twin columns, emulating those of Hercules, fling their long shadows across the straight through which the far-resounding Strand pours the full current of human existence into the deep recesses of Exeter Hall. Borne on that impetuous tide, the mediterranean waters lift up their voice in a ceaseless swell of exulting or pathetic declamation. The changeful strain rises with the civilisation of Africa, or becomes plaintive over the wrongs of chimney-boys, or peals anathemas against the successors of Peter, or in rich diapason calls on the Protestant Churches to awake and evangelise the world.' *Essays in Ecclesiastical Biography* (4th Ed. London, 1800), p. 580.

⁴ *Hansard*, 3rd Series, vol. xxxi. p. 553.

⁵ *P.P.* 1836, vol. vii. pp. 1-853. The Committee merely reports the voluminous *Evidence* and asks to be reappointed. *P.P.* 1837, vol. vii. pp. 1-304. This volume includes the rest of the *Evidence* and the elaborate *Report* (comprising 87 pages). The Committee was appointed 'to consider what measures ought to be adopted with regard to the native inhabitants of the countries where British settlements are made, and to the neighbouring tribes, in order to secure to them the due observance of justice, and the protection of their rights; to promote the spread of civilisation among them; and to lead them to the peaceful and voluntary reception of the Christian religion.' *P.P.* 1837, vol. vii. p. 3.

influenced not only public opinion, but also the policy of governments.¹ Though the zeal of the 'Saints' outran their discretion, their *Report* remains as a monument to the opinions and sentiments of an age that has passed away. Both the strength and the weakness of the philanthropists are apparent to all who peruse its pages. It eloquently testifies, on the one hand, to their intense religious fervour,² their chivalrous loyalty to the cause of the subject races of mankind, their incessant toil for the attainment of their objects, and the purity of their motives; but on the other hand it shows only too clearly a certain narrowness of view, an absence of fairness, and an impatient dogmatism, born of the necessarily academic nature of its authors' deliberations.³ It was this impatient dogmatism more than anything else that was the bane of British policy both in South Africa and in New Zealand during the years immediately following the *Aborigines Report*.

¹ The first part of the *Report* deals with the evils inflicted on the natives by European intercourse. It describes the gradual disappearance of the aborigines in the British colonies. The second part dealing with 'The effects of fair dealing and Christian instruction', is a glorification of missionary labours: It is impossible, says the Committee, to civilise natives without first Christianising them.

² In the 'Conclusion' to the *Report* occurs the following passage, which is a fair specimen of the spirit in which the whole was written: 'The British Empire has been signally blessed by Providence, and her eminence, her strength, her wealth, her prosperity, her intellectual, her moral and religious advantages are so many reasons for peculiar obedience to the laws of Him who guides the destinies of nations. These were given for some higher purpose than commercial prosperity and military renown. "It is not to be doubted that this country has been invested with wealth and power, with arts and knowledge, with the sway of distant lands, and the mastery of the restless waters, for some great and important purpose in the government of the world. Can we suppose otherwise than that it is our office to carry civilisation and humanity, peace and good government, and, above all, the knowledge of the true God to the uttermost ends of the earth?"' *P.P.* 1837, vol. vii. p. 76.

³ The Committee concludes: 'That Europeans coming into contact with native inhabitants of our settlements tends (with the exception of cases in which missions are established) to deteriorate the morals of the natives; to introduce European vices; to spread among them new and dangerous diseases; . . . and that the effect of European intercourse has been, upon the whole, a calamity on the heathen and savage races.' *P.P.* vol. vii. p. 74.

'4343. As far as you know, in instances of contention between

Nor must it be supposed that the views and feelings just outlined belonged to a small minority in England. 'The profession of evangelical religion', says Dean Church, 'had been made more than respectable by the adhesion of men of position and weight'.¹ It was being 'preached in the pulpits of fashionable chapels'.² The new spirit manifested itself powerfully within the precincts of Parliament. In the House of Commons one might often listen to speeches of a type that at the present time would be considered unusual if not out of place. The same pious sentiments were reiterated in countless despatches by Secretaries of State. Indeed, it may be said that during the period under review, there was in England only one opinion on the Native Question, and that was the view of the philanthropists.³ Even the Committee of the New Zealand Association that came into such sharp conflict with the Missionary Societies, never questioned their academic theories about the Aborigines.

In the meantime the Church Missionary Society had been steadily surmounting the obstacles that surrounded its early years, and by 1835 had attained to a position of great influence. Among the lay members on its Committee were James Stephen (of the Colonial Office) and Sir George Grey (Lord Glenelg's Parliamentary Under-Secretary for the Colonies), while its Vice-Presidents included Lord Bexley (a former Chancellor of the Exchequer), Lord Glenelg, Sir Thomas Baring, Sir R. Inglis, Fowell Buxton, James Stephen the elder, and Wilberforce.⁴ In 1834 Henry Thomas Pelham, Earl of Chichester, Europeans and natives, has it generally happened that the Europeans were in fault?

'Mr. Coates—Universally, so far as I have information on the subject.

'Mr. Beecham—Yes.

'Mr. Ellis—I have not met with an instance in which, when investigated, it has not been found that the aggression was upon the part of the Europeans.' *Ibid.* These three witnesses were the Secretaries of the Church, Wesleyan and London Missionary Societies respectively, and their views were endorsed by the Committee. *Ibid.*

¹ *Op cit.* p. 12.

² *Ibid.*

³ Except a very few people who had first hand knowledge of the colonies. Chief among these were ex-Governors of colonies, like Sir Benjamin D'Urban.

⁴ Eugene Stock, *op. cit.* vol. i. pp. 255-6.

became President of the Society. About the same time Bishops first began to join its ranks.¹

The finances of the Society were in a flourishing state. Associations had been established throughout the country, whose chief object was the collection of funds, though they also served to create a public opinion favourable to the Society. Its income, which in 1812-1813 amounted to only £3000, had during seven years increased tenfold, while in 1836 it had £30,000 invested in Government securities.² In May 1843 an income of no less than £115,000 was reported, which surpassed the largest income ever received up to that date by a religious society.³ This large income was employed by the Committee not only to finance its missionary operations abroad⁴ but to carry on a vigorous propaganda at home. During the forties one million papers were issued annually at a cost of £3000.⁵

The man who wielded all this influence was not a clergyman, but Mr. Dandeson Coates, the Lay Secretary.⁶ Coates was a very able man and a voracious worker. The Rev. Henry Venn, who succeeded to a portion of Coates's influence in the Committee, thus testifies to the ability of the Lay Secretary :

The official correspondence was never more ably conducted. Sir James Stephen used to say that he knew no one in the public service who worked more efficiently and zealously in an administrative department.⁷

But Dandeson Coates was more than a zealous worker ; he was also a man of strong character.

The clerical secretary at this epoch (1832) was the pious and amiable William Jowett ; but the lay secretary and the ruling

¹ *Ibid.* pp. 257-8.

² *Ibid.* pp. 476, 482.

³ *Ibid.* p. 485.

⁴ During the period 1824-1841 the Society sent out two hundred missionaries as against one hundred in the preceding twenty years. *Ibid.* p. 251.

⁵ *Ibid.* p. 481. E. G. Wakefield in his *evidence* before the New Zealand Committee of the House of Commons (1840) declared that the C.M.S. had done the New Zealand Association much harm by their propaganda.

⁶ Coates had been a member of the Committee of the C.M.S. since 1817 ; in 1824 he became Assistant-Secretary, and in 1830 Lay Secretary. Eugene Stock, *op. cit.* pp. 252-3.

⁷ *C.M. Intelligencer*, April 1862.

mind was Mr. Dandeson Coates. Most men of that day will remember his tall, thin figure, his green shade, his quiet manner, untiring industry, and firm but somewhat narrow mind. Whilst Mr. Jowett was writing kind and gentle letters, Mr. Coates was stamping upon the Committee the impress of his own decided views, and the lay element, paramount for the time at home, soon became predominant abroad.¹

But Mr. Coates's influence, as the sequel will show, extended far beyond the limits of the Committee of the Church Missionary Society. During Lord Glenelg's regime he was on familiar terms with the highest officials in the Colonial Office, and whenever opportunity offered, served it with suggestions on colonial government, especially on that of New Zealand.

No account has been taken in this sketch of the activities and influence of the Wesleyan Missionary Society, which had also large interests in New Zealand, for the reason that the Committee of that Society, though ably served by its secretary, the Rev. John Beecham, never took an independent line with respect to the colonisation of that country, but was content to follow in the wake of the energetic Mr. Coates. Neither did the Rev. John Beecham venture so far on secular territory as the Lay Secretary of the sister organisation.

The other adversary that beset the path of the colonisers of New Zealand was the Colonial Office. In their books, pamphlets, and magazine articles the colonisers were continually asserting that their colony was to be framed on the ancient North American model, which (on the administrative side) meant the acquisition of a charter that would leave the projected colony practically free of control by the Home Government.² But they forgot that since the seventeenth century there had arisen a Colonial Office³ which, possessing a regular organisation and a competent staff of officials, had an unshakable faith in its own efficacy as an instrument of government,

¹ Canon Bateman, *Life of Bishop Wilson*, vol. ii. p. 10. Mr. Coates's lay outlook will become important when we deal with missionary opposition to the colonisation of New Zealand.

² See *The British Colonisation of New Zealand*, pp. 64-66 (London, 1837).

³ In the seventeenth century Colonial Administration was in the hands of various committees of the Privy Council: G. L. Beer, *The Origins of the British Colonial System*, chap. 10.

was jealous of any usurpation of its authority, and believed, with Charles I, that the government of a colony should 'not be comyted to anie Companie or Corporation, to whom it maie be proper to trust Matters of Trade and Commerce, but cannot be fitt or safe to communicate the ordering of State affairs be they of never soe Meane Consequence'.¹

Before the period of Responsible Government, the Colonial Office had its hands very full, had, in fact, more work than it could well perform. In 1840 it was generally admitted that the Department was understaffed. 'The number of despatches and letters', writes Lord John Russell, 'received here for the last three years has not in any year been less than eleven thousand', and he adds that many are very voluminous and contain numerous enclosures.² Under such circumstances it need cause no wonder that the Colonial Office was not anxious to add to its burden by the acquisition of more colonies.

But there were other and stronger reasons for this attitude. The American Revolution had bred a profound pessimism in the minds of all³ who thought or wrote on Colonial questions during the middle decades of the nineteenth century. One of the few lessons that event had taught them was that when colonies reached maturity nothing can prevent their dropping off like ripe fruit, and in the meantime the only way to postpone that period was to allow the colonies as little latitude as possible. That policy and the constitutional struggles it entailed had led to the Canadian Revolt, which again had deepened the pessimism in England.

The expense of Colonial Administration added to the unpopularity of the colonies. Great Britain had to bear the

¹ Charles I's Proclamation of 13th May, 1625. Quoted by G. L. Beer, *op. cit.* p. 310. During the last decades of the nineteenth century, however, when the cult of Imperialism reigned supreme, the Colonial Office was quite ready to entrust the administration of extensive territories to Companies as a preliminary to their being incorporated in the Empire. But in the thirties Imperialism was at a discount.

² 'Lord John Russell to the Lord President of the Council', 21st Jan., 1840. *P.P.* 1846, vol. xxvii. p. 217.

³ Except, of course, Wakefield and his School. 'Only Durham, Buller, Elgin and Grey remained unaffected by the pessimism of the time.' J. L. Morison, *British Supremacy and Canadian Self-Government* (Glasgow, 1919), chap. vii.

burden of their military protection, which in the case of colonies which were, like the Cape Colony, subject to native incursions, was a costly charge.¹ The British Treasury had also to defray many incidental charges,² and any permanent deficits that might accrue; while all the thanks Britain got was growing discontent in the Cape Colony, threats of secession from the West Indies, and rebellion in Canada.

We have seen what a heavy burden of administration rested upon the officials of the Colonial Office. To perform their duties effectively the clerks were divided into four divisions with a senior clerk at the head of each. 'To each division is assigned the correspondence with a particular class of colonies, designated respectively as the North American, the West Indian, the Australian, and the African and Mediterranean.'³ At the head of the whole Department⁴ was the Permanent Under-Secretary of State.

The duties of this official were manifold and important. Sir James Stephen's son wrote in 1860:

The British Colonies are a collection of many separate states, of every degree of importance, from nations like Canada and New South Wales down to the rock of Heligoland, inhabited by a few Germans. The authority of the Crown over these dependencies differs in its origin, its extent, and its limitations. It has to be applied to very different objects, and to populations differing in race, in religion, in law, and in language. To know exactly what were the powers and what the rights of the English Government in respect of these communities, to know the history of all the

¹ In 1829 the annual cost of the military establishments in the colonies was computed at about £2,200,000, of which one-fifth was borne by the colonies and four-fifths by Great Britain. See *Statement of Receipts and Expenditure of the Colonies*, 1829.

² Charges like Bishops' travelling expenses. 'The fact is', wrote Stephen, 'that we pay for visitations of the West India Bishops and of the Bishop of Newfoundland and Bermuda, because the Assemblies will not contribute a shilling. No Colonial Assembly will ever endure such a demand. We make the colony pay where we have a hold on the public purse as in Ceylon, New South Wales and Van Diemen's Land. That is, we relieve the Bishop in all cases and we relieve ourselves where we can.' *Memorandum*, 18th Nov., 1841, C.O. 209-13.

³ Lord John Russell to the Lord President of the Council, 21st Jan., 1840. *P.P.* 1846, vol. xxvii. p. 218.

⁴ That is to say, at the head of the permanent body of officials in the Colonial Office.

relations between the United Kingdom and each of its dependencies, and to be able to give an account of the state of parties and local politics in every one of them, was one part of what was required from the Under-Secretary of State for the Colonies. There was hardly any kind of political question upon which he was not bound to be able to advise the parliamentary head of the Department when the occasion arose, for the successive Secretaries of State of necessity laboured under a deficiency of special knowledge which it was his duty to be prepared to supply.

It was also his duty to prepare the drafts of almost all the more important despatches, and of the numerous Acts of Parliament which were required by every colony in turn. Upon subjects which were but little understood by the public at large, and which excited but little general interest, this task was often hardly distinguishable from that of government and legislation, and it would perhaps be difficult to mention any man of his generation who could claim the title of a legislator with more justice than Sir James Stephen.¹

James Stephen was born at Lambeth on the 3rd January, 1789, and completed his education at Trinity Hall, Cambridge, where he took the degree of LL.B., in the year 1812. He was called to the Bar in 1811, and in 1813 was appointed by Lord Bathurst to be legal adviser to the Colonial Office. In 1824 he finally retired from the Bar. In the following year he added to his official duties that of Counsel to the Board of Trade. In 1834 he became Under-Secretary to the Colonial Office, and two years later succeeded Hay as Under-Secretary of State.²

The question of Stephen's influence in the Colonial Office has often been discussed. In his own day he was accused of ruling the Colonial Office and the different Secretaries of State.³ Wakefield and his associates were especially hard on the Permanent Under-Secretary. Buller attacked him, under the nickname of 'Mr. Mother Country of the Colonial Office', as

¹ James Stephen, *Essays in Ecclesiastical Biography*, Introduction, pp. xii-xiii.

² *Dictionary of National Biography*. Taylor, who did not like him, describes Hay as 'obtuse but bold' (*Autobiography*, vol. I, p. 118), and tells how Glenelg was compelled, in spite of himself, by the urgency of his colleagues and the threats of Stephen, to supersede him. (*Autobiography*, vol. I, pp. 232-233.)

³ Epithets like 'King Stephen' and 'Mr. Over-Secretary Stephen' were showered upon him. Taylor, *Autobiography*, vol. II, p. 300, and Leslie Stephen, *Life of Sir James FitzJames Stephen*, p. 46.

the personification of all the vices of the Colonial System,¹ and Wakefield borrowed the epithet to designate the sinister influence that was continually thwarting his schemes.² Even in Parliament Stephen was more than once attacked by name, in spite of the fact that his official position prevented him from defending himself.³

Nor can it be said that these suspicions were unwarranted. Even an Under-Secretary of ordinary ability would of necessity exercise an important influence over his parliamentary superiors.⁴ As permanent head of the department he would have a far more intimate knowledge of conditions in the colonies than these gentlemen could ever hope to attain to during their

¹ See Buller's rare booklet *Responsible Government for Colonies* (London, 1840), chap. vi. 'In some back room . . . you will find all the Mother Country that really exercises supremacy.' *Ibid.* pp. 76-7. Buller proceeds to give a description of the system administered by Stephen. He accuses the Colonial Office of the neglect of vital matters for party squabbles, hatred of innovation, and addiction to routine; of subjection to sinister interests and cabals; and of the exercise of a corrupt patronage. The famous case of O'Connell and Ruthven is cited.

² See Collier's Introduction to Wakefield's *Art of Colonisation* (Oxford, 1914).

³ Stephen expected such an attack in 1838. He wrote to T. E. Dicey: 'I am scarcely twenty-four hours off Sir Wm. Molesworth's impeachment, in which I hear from Charles Buller, a great friend of Sir William's, that I am to have a conspicuous share. I am, it seems, at your service, a rapacious, grasping, ambitious Tory. On two unequal crutches propped he came, Glenelg's on this, on that Sir G. Grey's name; and it appears that by the aid of these crutches I have hobbled into a dominion wider than ever Nero possessed, which I exercise like another Domitian.' Stephen even feared a notice to quit the Colonial Office, but in the event Molesworth was satisfied with attacking Glenelg and forcing his resignation. *The First Sir James Stephen*, pp. 53-4.

On 21st July, 1845, in the course of a debate on New Zealand, Roebuck asserted 'that the Colonial Minister was governed by Mr. Stephens (*sic*), and Mr. Stephens was governed by missionary influence'. (Hansard, 3rd Series, vol. lxxxii.) Labouchere, Peel and Russell denied Roebuck's charge and spoke in high praise of Stephen (*Ibid.*).

⁴ Taylor describes how 'sometime after the first decade' of his service he compelled a reluctant Secretary of State to recall a nobleman, 'the Governor of an important Colony'. (*Op. cit.* vol. i. p. 70.) And Taylor then occupied a very subordinate position. He admits, however, that in after years his influence decreased because 'abler men' were in office over him (*Ibid.* p. 69).

comparatively short stay at the Colonial Office. In laying before the Secretary of State materials from which to form a decision his own bias would naturally influence the kind of selection he would make. But Stephen was no ordinary Under-Secretary. He possessed abilities of a high order, as is abundantly shown by his *Essays in Ecclesiastical Biography* which, be it remembered, were written as a recreation during the few spare hours that his official labours allowed him.¹ He might have obtained fame either as a lawyer or as an author, but he deliberately chose the obscurity of the Colonial Office, his abilities unknown beyond his office, and his most brilliant achievements ascribed to others. He went into the Colonial Office to satisfy certain dominating impulses of his nature, and he never rested until his object was attained.

Power was what he needed, and to be powerful he had to be efficient. No man in the Colonial Office laboured harder than Stephen. 'He had', says Henry Taylor, 'an enormous appetite for work, and I almost think he preferred to engross it into his own hands and not to be much helped.'² The neatly, almost exquisitely written memoranda in the despatch books of the Colonial Office reveal a mind subtle as well as comprehensive, and an intellect that could come to definite and clear conclusions, although its processes were sometimes involved. And these conclusions often gained the day, and were embodied in despatches signed by Glenelg, or Stanley, or Grey. It is

¹ 'He used to write them early in the morning and late at night, or during the occasional holidays which his official occupations afforded.' Their composition 'was almost the only relaxation which their author enjoyed for many years'. *Essays in Ecclesiastical Biography*, Introduction, p. xv.

² *Op. cit.* vol. i. p. 233. 'At that time' (*i.e.* in the year of the Abolition of Slavery), 'as another clerk in the office tells my brother, "it was no unusual thing for your father to dictate before breakfast as much as would fill thirty sides of office folio paper"'. Leslie Stephen, *op. cit.* p. 48. The story of how Stephen drew up the Abolition Act illustrates his powers of rapid and continuous work. 'My father received notice to draw up the Act on Saturday morning. He went home and completed his task by the middle of the day on Monday. The Act (314 William IV, C. 73), contains sixty-six sections, fills twenty-six pages in the octavo edition of the Statute-book, and creates a whole scheme of the most intricate and elaborate kind. The amanuensis to whom it was dictated used to tell the story as an illustration of his own physical powers.' *Ibid.* p. 48.

doubtless true that Stephen's influence waxed or waned according to the character of the Secretary of the moment, that under men like Russell, Stanley and Grey it was less than under the inactive Murray or the somnolent and sluggish Glenelg.¹ But it was ever present, ever powerful,² and during the periods of transition from one Secretary of State to another it became predominant.³

Very important testimony to Stephen's influence is furnished by Henry Taylor, who was himself a permanent official in the Colonial Office, and, as his *Autobiography* proves, a sharp observer of men and events. Writing about the happenings at the Colonial Office in 1831 he says of Stephen, who was then still Counsel to the Colonial Department, that even at that time 'he more than any other man ruled the Colonial Empire'.⁴ And later on :

For the four or five years for which Lord Glenelg held the seals—indeed for many years before and after—Stephen virtually ruled the Colonial Empire.⁵

Stephen's chiefs at the Colonial Office were well aware of how much they owed to his comprehensive grasp of Colonial affairs, but they naturally denied that his was the predominant influence. 'Indeed', writes Lord John Russell in 1840, 'were it not . . . for the comprehensive knowledge of all our vast and intricate colonial affairs possessed by the gentleman who has for some years been Permanent Under-Secretary of State, I should have no hesitation in advising the appointment of an

¹ Taylor, *op. cit.* vol. 1, p. 147. Stephen, however, thought differently of Glenelg. 'He is the tenth Secretary of State under whom I have served, and from the most certain knowledge I can declare that of the whole of that long list he is the most laborious, the most conscientious, and the most enlightened minister of the public.' *The First Sir James Stephen*, p. 56. But then Glenelg was his 'intimate personal friend and shared his evangelical feelings'. *Ibid.* pp. 56-7.

² Taylor writes that in 1833 Stanley's advent deprived 'Stephen and myself of our usurped functions'. Stanley refused to take counsel with them while preparing the Abolition Bill, but he soon found that he could not carry on without the powerful aid of Stephen. *Autobiography*, vol. i, pp. 133, 134.

³ It was during one of these interregna, while Lord Normanby was at the Colonial Office, that the Colony of New Zealand came into existence.

⁴ *Op. cit.* vol. i. p. 123, 124.

⁵ *Ibid.* p. 233.

additional or Assistant Under-Secretary.' ¹ Henry Labouchere, Lord Normanby's Parliamentary Under-Secretary, had 'a deep and enduring respect for the virtues, the abilities, and great services of Mr. Stephen'. ² while Hawes, Earl Grey's Parliamentary Under-Secretary, writing shortly after Stephen's retirement from office, commends his 'unrivalled zeal, energy and ability', and proposes the appointment of two additional Under-Secretaries, as no single individual could possibly step into Stephen's shoes. ³

What were the aims and enthusiasms of this man who thus ruled ⁴ the Colonial Empire, albeit, as Charles Greville said of Henry Taylor, 'with an invisible sceptre'? ⁵ His Essays, ⁶ and still more his Letters ⁷ which afford glimpses into the recesses of his soul, prove that he was a man of passionate religious conviction, and that his religion was derived directly from the evangelical fountain-head at Clapham. ⁸ Henry Taylor says that he went into the Colonial Office in order to work for the Abolition of Slavery. ⁹ However that may be, it is quite certain that his share in that work has been much

¹ Russell to the Lord President of the Council, 21st Jan., 1840. *P.P.* 1846, xxvii. p. 219.

² Speech in the House of Commons, 21st July, 1845. See Hansard, 3rd Series, vol. lxxxii.

³ Hawes to Trevelyan, 27th Nov., 1847. *P.P.* 1847-8, xlii. p. 1-2. Stephen's opinion of his masters was not so flattering. In a journal which he kept during the first three quarters of the year 1846 he wrote, under the date of 22nd Jan. '... I never served but one man (Mr. Huskisson) who extorted the confession that his was a dominant understanding, nor but one (Lord John Russell) who compelled me to feel that his was a dominant soul. The rest were the throwings up of the Tide of Life; commonplace men in high station—mimics, or at best dramatists: I should say actors.' (*The First Sir James Stephen*, pp. 91 and 99.) Stephen seems to imply that he wrote the plays.

⁴ With the qualifications suggested above.

⁵ *A Journal of the Reigns of George IV and William IV*, vol. ii. p. 348.

⁶ *The Essays in Ecclesiastical Biography*.

⁷ Collected by his daughter and published in 1906 under the title of *The First Sir James Stephen*.

⁸ His father was a member of the Clapham Sect (see above), and he married in 1814 a daughter of John Venn, another member of the brotherhood, and a principal founder of the C.M.S. *Dictionary of National Biography*.

⁹ *Op. cit.* vol. ii. p. 301.

underrated.¹ After 1834 his energies were chiefly directed towards the improvement of the condition of the Aborigines in the British Colonies, and in Glenelg he found a chief after his own heart. He heartily concurred in, if he was not the author of, Glenelg's frontier policy in the Cape Colony. Even after Glenelg's departure Stephen seems to have presided over the native policy of the Colonial Office, which for some years showed no change. That policy was the policy of the Aborigines Committee.

At this point we return to New Zealand, in order to note how the Church Missionary Society and the Colonial Office joined forces to oppose its colonisation. The colonisers of New Zealand were right when they saw in Stephen the most dangerous opponent of their schemes.² Stephen and Coates were on intimate terms with each other, and had the same ideas on native policy. It was Stephen, as we shall see, that framed the instructions to the first Governor of New Zealand with their elaborate references to native affairs, and having founded the new colony, as far as a colony could be founded by legal instruments, he continued to preside over its interests, or at least over the interests of its aboriginal inhabitants.

¹ *Ibid.* vol. i, pp. 123, 124, 134, 135; vol. ii. p. 301. For a good sketch of Stephen's character and abilities see *Ibid.* vol. ii. pp. 300-304.

² 'The Company had discovered that from the first I had been an opponent of their schemes.' *Memorandum* by Stephen, 15th Dec., 1841. C.O. 209/11.

III

THE GENESIS OF THE NEW ZEALAND COMPANY

THE first mention of an attempt to colonise New Zealand occurred in the year 1826, when various gentlemen, including Lord Durham, Colonel Torrens and Russell Ellice, combined to form the first New Zealand Company.¹ If we are to believe the statement of one of its members, their undertaking, which he describes as agricultural and commercial, obtained the approval of the Colonial Office, the Board of Trade and the Admiralty.² The Company sent out a preliminary expedition which bought lands at the mouth of the Thames and at Hokianga,³ but was forced to abandon its plan for want of the promised means of protection.⁴ The panic that ensued in the money market at home 'rendered it impracticable to provide the means of equipping another expedition on a more extended scale', and the Company was dissolved.⁵ Thus ended the first attempt to colonise New Zealand.

But after 1830 a new force was working in the interest of colonisation. We have already traced Wakefield's activities

¹ Other members were Lord Hatherton, T. Marjoribanks, G. Lyall, I. W. Buckle, George Palmer, M.P., R. Fenwick, J. Pattison, M.P., Hon. C. Boyle. 'G. Lyall to Glenelg', 14th Dec., 1838. C.O. 209/3.

² 'G. Lyall to Glenelg', 25th Feb., 1839. C.O. 209/4. Stephen says that no record exists in the Colonial Office of any such approval. *Memorandum*, dated 27th Feb., 1839. C.O. 209/4.

³ Hon. F. Baring's *Evidence* before the Lords' Committee on New Zealand. P.P. 1837-8, xxi. p. 477.

⁴ 'G. Lyall to Glenelg', 25th Feb., 1839.

⁵ 'G. Lyall to Glenelg', 25th Feb., 1839. Thirteen years afterwards we shall find the names of the majority of the promoters of this first New Zealand Company on the governing body of the second. See below, p. 41, n. 2.

as far as the evolution of the South Australian scheme.¹ We saw why he lost all interest in that project.² By 1836 his eyes were turned in another direction. In that year the Commons appointed a Committee on Colonial Lands with Mr. H. G. Ward as Chairman. Wakefield was the chief witness. Having expounded his system he was asked by the Chairman :

‘Are there any parts of the world subject to our dominion now in which you imagine that new colonies might be advantageously founded under this proposed system?’ To which Wakefield replied :

Very near to Australia there is a country which all testimony concurs in describing as the fittest country in the world for colonisation ; as the most beautiful country, with the finest climate and the most productive soil. I mean New Zealand. . . . Adventurers go from New South Wales and Van Diemen’s Land, and make a treaty with a native chief, a tripartite treaty, the poor chief not understanding a single word about it, but they make a contract upon parchment, and with a great seal, and for a few trinkets and a little gunpowder they obtain land. . . . We are, I think, going to colonise New Zealand, though we be doing so in a most slovenly, scrambling and disgraceful manner.³

So it came about that during the first half of the year 1837 the New Zealand Association was formed. It is needless to say that Wakefield was the dominating force behind it. His name, indeed, does not appear either among the members of its Committee or among those of the first governing body of its successor, the New Zealand Company. But the explanation is simple : Wakefield, who had committed an unpardonable offence against society, for which it continued to persecute him throughout his life, was forced to remain behind the scenes, while others acted for him in public.⁴ The Association was formed to realise Wakefield’s scheme of colonisation in its social, political and economic aspects. It was he who com-

¹ See above, Chap. I.

² See *Ibid.*

³ *P.P.* 1836, xi. p. 614. Unfortunately for Wakefield, New Zealand was not in 1836 subject to British rule.

⁴ He had in 1826 abducted the daughter of a Mr. William Turner, a wealthy manufacturer, for which offence he was sent to Newgate for three years. While in prison he composed *The Punishment of Death* and the famous *Letter from Sydney*. See R. Garnett, *op. cit.* chaps. ii. and iii.

piled the two books published by the Association, one in the summer¹ of 1837, the other in the autumn.² He wrote to his brother-in-law in May 1837:

I have set on foot a new measure of colonisation on principles which have worked so well for South Australia. The country is New Zealand—one of the finest countries in the world, if not the finest, for British settlement. A New Zealand Association is now in the course of formation: it will comprise a more influential body than that which founded South Australia. The colony—that is, the body of capitalists that will first emigrate—is already considerable, and comprises persons qualified for every occupation. . . .³

The Committee of the New Zealand Association was a strong one. Among its members we find the names of Francis Baring, M.P. (Chairman), the Earl of Durham, Lord Petre, W. B. Baring, M.P., Rev. S. Hinds, D.D., B. Hawes, M.P., W. Hutt, M.P., Sir W. Molesworth, M.P., Sir G. Sinclair, M.P., and H. G. Ward, M.P.⁴ The Committee was thus predominantly Whig with a strong admixture of Radicalism.⁵ Many of its

¹ *Statement of the Objects of the New Zealand Association.*

² *The British Colonisation of New Zealand, being an account of the principles, objects and plans of the New Zealand Association.* It deserves the name of a book and is very tastefully compiled. Wakefield wrote it in collaboration with Mr. John Ward, who later became Secretary of the New Zealand Company.

³ E. G. Wakefield to the Rev. C. Torlesse, 12th May, 1837. British Museum MSS., Add. 35,261. Wakefield continues, 'Captain Arthur [his brother] thinks of commanding the first expedition, and my own thoughts are turned in that direction. For me, all will depend upon the manner in which the foundation shall be laid—if it be very good—superior to any other thing of the sort—then I become one of the builders of the superstructure'. Wakefield bore the greatest portion of the expenses of the Association. He refused to accept a penny in compensation from its successor, the New Zealand Company. *P.P.* 1840, vii.p. 487.

⁴ *The British Colonisation of New Zealand.* Title Page. The other members were W. F. Campbell, M.P., Charles Enderby, R. Ferguson, M.P., Philip Howard, M.P., T. Mackenzie, M.P., Captain Sir W. Symonds, R.N., and W. W. Whitmore. *Ibid.*

⁵ Durham had established 'close personal relation with the most advanced of the Radicals'. Stuart Reid, *Life and Letters of the first Earl of Durham* (London, 1906), vol. i. p. 145. Molesworth, of course, was a Radical; Sinclair belonged to the same coterie, and Ward was an 'advanced Liberal'. *Dictionary of National Biography.* Wakefield himself held Radical opinions. See his address to the electors and other inhabitants of Birmingham, 1836. (British Museum.)

members have left their mark on the political history of their time. Durham was one of the few statesmen who believed in the colonies ; Molesworth was destined to be known as a great Reformer ; and most of the other members of the Committee were accustomed to advanced and fearless thought on the questions of the day.

The New Zealand Association, according to the author of *The British Colonisation of New Zealand*, consisted of two classes of members : first, heads of families and others who had determined to establish themselves in the projected colony ; and secondly, ' public men who for the sake of public objects alone ' were willing to carry the project into execution.¹ The Committee were drawn wholly from the latter class. They had no pecuniary stake whatsoever in their venture. Their

only object was to bring the subject before the public and Parliament, and not to take any part as individuals in what might be the result.²

The Association determined to solicit a charter from the Government. Its members (and more especially Wakefield) detested the dual authority set up by the South Australian Act, and demanded what was in effect sole control of the government of the proposed colony. Their charter was to contain provisions authorising them ' to make treaties for cessions of territory and all other purposes ; ³ to administer, upon lands ceded to the Crown, the whole system of Colonisation, including the receipt and expenditure of the Colonial Funds ; to establish Courts in the settlements for the administration of British Law ; to make regulations for local purposes, having the force of law within the settlements ; to exempt natives in the settlements from the operation of some British laws which are inapplicable to their present uncivilised state, and to make special regulations for their government ; to provide for the defence and good order of the settlements by means of a militia, a Colonial force of regulars, and a Colonial Marine, to delegate portions of their authority to bodies or individuals resident in the settlements ; and to appoint and remove at pleasure all

¹ Introduction, pp. ix-x.

² *P.P.* 1840, vii. p. 459.

³ The Association fully recognised the independence of the New Zealand chiefs.

such officers as they may require for carrying the whole measure into effect.'¹

In June 1837,² Francis Baring addressed a communication to Lord Melbourne, soliciting an interview in the name of the Committee of the New Zealand Association.³ The request was granted and the interview took place, Viscount Howick assisting Melbourne on the part of the Government.⁴ Howick suggested certain alterations tending to give the Government greater control over the operations of the Association, all of which, it is stated by Wakefield,⁵ but denied by Howick,⁶ were adopted by the Association, and embodied in the Bill which they intended at once to introduce into Parliament. The death of William IV, however, put an end to all further proceedings. But the Association was thoroughly satisfied with the progress that had been made, and having published the negotiations with the Government called on the public to proceed with the undertaking.⁷

On the 9th December, 1837, shortly after the meeting of the new Parliament, the Committee of the Association had another interview with Melbourne who on this occasion was attended by Lord Glenelg.⁸ Wakefield states that Melbourne appeared to have forgotten what had taken place at the previous interview, and referred to Glenelg, who urged countless objections to the plan of the Association.⁹ An exchange of letters ensued between Lord Durham, writing on behalf of the Association, and Lord Glenelg, in the course of which Glenelg admitted that it was absolutely necessary that some form of settled government should be established in New Zealand.¹⁰ The country, he wrote, was already being colonised.

¹ *The British Colonisation of New Zealand*, pp. 65-66.

² Melbourne to Glenelg, 14th June, 1837. C.O. 209/2.

³ The Committee addressed the head of the Whig Government directly, because they anticipated opposition from the Colonial Office. See Wakefield's *Evidence before the Commons' Committee of 1840*. *P.P.* 1840, vol. vii. p. 460.

⁴ Howick, though not at the Colonial Office, took a special interest in colonisation. *Ibid.* p. 460.

⁵ *Ibid.* p. 460.

⁶ *Ibid.* pp. 559-561.

⁷ *Ibid.* p. 460.

⁸ *Ibid.* p. 460.

⁹ *Ibid.* p. 460-461.

¹⁰ Glenelg to Durham, 29th Dec., 1837. *P.P.* 1840, vii. p. 606.

The only question, therefore, is between a colonisation desultory, without law, and fatal to the natives, and a colonisation organised and salutary.¹

A charter would be granted to the Association on the model of the charters of the seventeenth century, provided only that it would consent to become a Joint Stock Company having a monetary interest in the success of its venture.² On this rock the negotiations finally split. In vain Durham urged that it was impossible to accede to the required proviso, since it would destroy the very foundations on which the Association rested, and pleaded the danger of a clash between the public and private interests of the promoters, as had happened in the case of 'nearly every one of the colonising companies of America.'³ Glenelg, however, remained obdurate,⁴ and the New Zealand Association was forced to appeal to Parliament without having been able to obtain the support of the Government. On 20th June, 1838, its Bill was thrown out at the second reading.⁵

What were the real reasons for the attitude of the Colonial Office? Wakefield and the Committee of the Association believed that Glenelg, deferring to the missionary point of view, was irrevocably opposed to the colonisation of New Zealand, and that his insertion of the Joint Stock proviso was a disingenuous move, since he very well knew that the Association could not accede to it and live. How far was this accusation justified?

¹ *Ibid.*

² *Ibid.*

³ Durham to Glenelg, 30th Dec., 1837. *P.P.* 1840, vii. p. 607.

⁴ Glenelg to Durham, 5th Feb., 1838. *P.P.* 1840, vii. p. 611.

⁵ 'A combination of Ministerialists, Tories, Saints, and blockheads of all parties threw out the New Zealand Bill on Wednesday.' *The Spectator*, 23rd June, 1838.

In the Commons Gladstone and Howick made the two most important speeches in opposition to the Bill. The latter criticised the Bill because the powers it gave the Association were too large, and because there was no security either against the 'inveiglement' of Her Majesty's subjects, or for the observance of justice towards the aborigines. *Hansard*, 3rd Series, xlii. (20th June, 1838). He even went so far as to say that 'each clause, if possible, is more monstrous than the other', although the Association had expressly altered many of the clauses of their original Bill in order to conform to his suggestions. *P.P.* 1840, vii. pp. 563-564.

It is necessary to take the views of the Aborigines Committee as our starting point. Their *Report*¹ says :

Various schemes for colonising New Zealand and other parts of Polynesia have at different times been suggested, and one such project is at present understood to be on foot. On these schemes your Committee think it enough for the present to state ' that they regard them with great jealousy '.

The Church and Wesleyan Missionary Societies naturally took a much stronger view of the case. Their secretaries published pamphlets recounting the enormous evils that had been inflicted on the aboriginal inhabitants wherever European nations had colonised countries already inhabited.² They had easy work with a public roused by the disclosures of the Aborigines Committee. To placate that public Wakefield suggested that the aim of the Association was not colonisation pure and simple, and that its scheme was specially designed in the interests of the aborigines. ' One of the main grounds on which the Association have built their plan for colonising New Zealand is ', he says, ' to repress the crimes of British visitors and settlers, and likewise to prevent the further immigration of convict refugees and other desperate vagabonds ' into New Zealand.³ In this argument, indeed, Wakefield rather overreached himself, trying to make it appear that the saving of the native race from destruction was at least as important an object as the prosecution of his plan of colonisation. In fact, he lays much more stress on the former than on the latter. Coates, in his examination of *The British Colonisation of New Zealand*, has no difficulty in showing that ' gain is in fact the mainspring and ultimate end of the whole scheme ' ;⁴ and he pertinently asks what would happen supposing the interests of the settlers and the aborigines were to clash.⁵ Its

¹ *P.P.* 1837, vii. p. 86.

² *The Principles, Objects and Plan of the New Zealand Association examined, in a letter to . . . Lord Glenelg . . . by Dandeson Coates, Esq.* The letter is dated 27th Nov., 1837, and was published as a pamphlet.

The Rev. John Beecham's pamphlet is called *Colonisation : Being remarks on colonisation in general, with an examination of the proposals of the Association which has been formed for colonising New Zealand*.

³ *The British Colonisation of New Zealand*, pp. 40-42.

⁴ *The Principles, Objects and Plan of the New Zealand Association*, p. 13.

⁵ *Ibid.*

native policy was, in fact, the vulnerable spot in the armour of the Association.¹ It was evidently concocted in order to meet a need of the moment. What would a New Zealander say, asks the Rev. J. Beecham, 'could he at all be made to comprehend this heterogeneous compound² of his own national peculiarities and customs, ancient feudal institutions, and regulations of modern civilised society—could anything approaching to an adequate idea of chivalry and St. Palaye, heraldry and a coat of arms, the old romances and heroic poets, Homer and Sir Thomas Malory—be introduced into his mind'?³

But Beecham and Coates did not merely try to rouse public opinion against 'the curse of colonisation'⁴ and the 'highly objectionable'⁵ aims of the New Zealand Association. They, and especially the latter, insinuated themselves into the Colonial Office where their views obtained a sympathetic hearing. Were not Stephen, Grey⁶ and Glenelg ardent evangelicals?⁷ Glenelg was continually consulting Coates on New Zealand affairs, and even showed him the despatches of Mr. Busby, the British Resident in New Zealand.⁸ During the

¹ And the pity of it is that the Association need have had no native policy, if it had officially adopted the policy imputed to it by one of its members (see Dr. S. Hinds, *The Latest Official Documents Relating to New Zealand*, p. 14), of fixing on a site for the colony somewhere on the Southern Island. But its ideas on New Zealand topography were vague in the extreme. (See *The British Colonisation of New Zealand*, pp. 113-128.)

² This refers to the section of *The British Colonisation of New Zealand* entitled 'Exceptional Laws in Favour of the Natives of New Zealand', written by a 'reverend member of the Association' (Intro. p. xii), and fully endorsed by Wakefield. (*Ibid.*). This fantastic scheme is exactly the 'heterogeneous compound' of the passage from Beecham who faithfully describes its ingredients, and concludes as follows: 'It is a reverie in which the classical student might benevolently and safely enough indulge on the banks of the Isis or the Cam, but which becomes alarming when put forward as a serious proposal by a public company'. *Op. cit.* p. 38.

³ *Op. cit.* p. 38.

⁴ D. Coates, *op. cit.* p. 15.

⁵ D. Coates, *Notes for the information of . . . members of the Deputation to Lord Glenelg respecting the New Zealand Association*, p. 3.

⁶ Sir George Grey, Glenelg's Parliamentary Under-Secretary.

⁷ All three were connected with the Church Missionary Society. See above, p. 14.

⁸ Coates to Glenelg, 3rd Jan., 1838. C.O. 209/3.

negotiations between Glenelg and the Committee of the New Zealand Association Coates addressed no less than six communications to the Colonial Office ¹ adducing all kinds of arguments to prove the dangerous and insidious nature of the Association's plan: it would mean the loss of independence to the New Zealand tribes ²; the British dominions would be still further extended ³; and last but not least, the position of the missionaries would be rendered difficult if not impossible.⁴ This last argument was, of course, the real reason for the hostility of Coates and his Committee, and it was an argument that might be trusted to have great influence with Glenelg and Stephen. Coates became a frequent visitor at the Colonial Office.⁵ So implicitly did he trust that Department that he seemed to have generally apprised it in advance of his intentions.⁶ The contrast between the attitude of the Colonial Office towards the promoters and the antagonists of the colonisation of New Zealand is complete: while the latter always had its ear, the former feared even to approach it. As has been shown, Glenelg recognised the need of an organised colonisation in New Zealand, and if left to himself would probably not have

¹ The letters are dated 27th Nov., 1837; and 1st Jan., 3rd Jan., 9th Jan., 21st May, and 20th June, 1838. Those of 1st Jan., 3rd Jan., and 20th June, 1838, are marked 'private'. C.O. 209/3.

² Coates to Glenelg, 27th Nov., 1837.

³ 'I may safely appeal to your Lordship, whether the consolidation of our present colonies be not a wiser policy than the formation of new ones.' *Ibid.*

⁴ *Ibid.* There is a passage in this same letter that throws a curious light on the relations between Mr. Coates and Lord Glenelg. The writer is referring to the New Zealand question as a whole. 'I presume to suggest that it is a question, to the solution of which all the powers of your Lordship's mind would be well applied, guided and governed, as I am persuaded they would be, by those great yet simple principles of Divine revelation, which are the only rule of right, while they are also the fruitful source of every temporal and spiritual blessing.'

⁵ 'Within a month previous to that time' (the interview of the Committee of the Association with Melbourne) 'the Secretary of the Church Missionary Society had been named in the Court Circular as having had several interviews with Lord Glenelg, and transacted business at the Colonial Office; I think six times within the month or six weeks'. Wakefield's *Evidence* before the Commons' Committee of 1840. *P.P.* 1840, vii. p. 465.

⁶ See Coates to Stephen, 20th June, 1838. C.O. 209/3.

been loth to grant a charter to the Association. But he had the indefatigable Coates with his letters and interviews and deputations¹ and Mr. 'Over-Secretary' Stephen always at his side, and Stephen had opposed the Association from the very beginning. On 16th June, 1837, Melbourne wrote a note to Glenelg intimating that the Committee of the Association had approached him on the subject of the colonisation of New Zealand, and enclosing the heads of their projected Bill.² Stephen's remark on the note and its enclosure was that the acquisition of sovereignty in New Zealand 'would infallibly issue in the conquest and extermination of the present inhabitants'.³ These facts certainly corroborate Wakefield's impression of the hostility of the Colonial Office to every possible scheme of colonisation.

It is impossible not to sympathise with some at least of the motives that prompted the opposition of the Missionary Societies. Their agents had laboured in New Zealand for many years, and were just beginning to see the fruit of their toil. The influx of a large white population, its leaders armed with coercive power, would undoubtedly increase the chances of a collision between the races, and diminish the prestige of the missionaries. So far, says Coates in one of his letters to Glenelg, the presence of the missionary had been hailed with joy wherever he went, because 'he is known to be a man of peace'.⁴ He continues, 'If wronged, he suffers it. If exposed to alarms and dangers, he patiently endures. He has no means of forcible resistance, and therefore with him there is no place for collision and its consequences'.⁵

But unfortunately neither Coates nor Beecham grasped the condition of affairs in New Zealand. It was not in the power of the British Government to prevent its colonisation. The

¹ See Coates's *Notes for the information of . . . members of the Deputation to Lord Glenelg respecting the New Zealand Association*, dated 28th Dec., 1837. The deputation consisted of Lord Clichester, Lord Bexley, Lord Ashley, M.P., T. F. Buxton, W. Evans, M.P., Sir R. H. Inglis, M.P., J. P. Plumptre, M.P., Sir G. H. Rose, M.P., W. A. Garratt, J. M. Strachan, Hon. Capt. Wakegrove, and the Secretaries. C.O. 209/3. The C.M.S. could evidently summon to its aid as influential a body of men as those on the Committee of the New Zealand Association.

² C.O. 209/2. ³ *Memorandum*, dated 16th June, 1837. C.O. 209/2.

⁴ Coates to Glenelg, 27th Nov., 1837. C.O. 209/3.

⁵ *Ibid.*

country was already being colonised, and with the worst possible types of immigrant, whalers, runaway sailors and escaped convicts.¹ Kororareka, in the Bay of Islands, boasted a population of over one thousand, generally drawn from the dregs of society.² The result of the policy of the Missionary Societies would have been to hand over the country round the Bay of Islands to a mob of miscreants unrestrained by law, as it was well known that the British Resident at Kororareka, with hardly any legal powers, and with no force to support his authority, was 'a ship-of-war without guns'. For the missionary societies opposed not only the colonisation of New Zealand, but also the establishment of British authority. Coates declared that his 'remedial measures' were based 'on the maintenance of the national rights and sovereignty of the New Zealanders. They therefore rest on moral influence. . . .'³ But on an examination of his 'measures' the real objects of the Lay Secretary reveal themselves. What he wanted to establish at the Bay of Islands was nothing less than a theocracy administered by the missionaries. That was the reason for his desire to keep the government out. The government, indeed, should despatch to New Zealand a Consular Agent with the powers suggested by the Aborigines Committee,⁴ who should exercise the 'moral influence', but, adds Coates, 'the missionaries will be found the most effective and important coadjutors to the Agent'.⁵ The Rev. John Beecham is even more explicit :

If our Government or Parliament should interpose⁶ for the purpose of forming a suitable native government for the *christian*

¹ See the *Evidence* of Messrs. Watson and Nicholas before the Lords' Committee of 1837. *P.P.* 1837-8, xxi. See also Normanby to Hobson, 14th August, 1839. *P.P.* 1840, xxxiii, p. 623.

² Normanby to Hobson, 14th Aug., 1839. *P.P.* 1840, xxxiii, p. 623.

³ *Notes for the information of . . . the Deputation to Lord Glenelg*, p. 9.

⁴ That is to say, 'powers similar to those of the British Consuls in the Barbary States'. Within his sphere of jurisdiction he should have authority to convict criminals, grave cases being referred to the nearest place where a criminal court was established. *Report*, *P.P.* 1837, vii, pp. 85-86.

⁵ *Notes for . . . the Deputation to Lord Glenelg*, p. 14.

⁶ Beecham differs from Coates in not objecting to government interposition, but only if that interposition establishes what is virtually a theocracy.

part of the population, that interference must be made on truly *christian* principles, or it could not possibly succeed.¹ The scheme ... (i.e. of government) must not only be framed in perfect harmony with those instructions of the religious teachers which have made the New Zealanders what they are ; but the individuals appointed to carry it into effect must be persons whose own hearts and lives are duly controlled and regulated by christianity, and who would act in friendly co-operation with the missionaries in endeavouring to work out the plan confided to their management.²

Again, Coates suggests that the chiefs should be induced, by 'moral influence' of course, to accept a code of laws based on their customs.³ The Church Missionary Society is sending an agent to New Zealand for this very purpose, and Coates invites the co-operation of the government.⁴ Throughout the whole of his interesting series of letters to the Colonial Office Coates adopts the attitude of an equal addressing himself to equals.

It is hardly necessary to criticise these vague and doctrinaire suggestions. It will suffice to quote some of the words in which they were condemned by those very missionaries in whose interests they were supposed to have been made. 'A native government', they wrote, 'cannot be formed by natives',⁵ since the different tribes will never recognise a paramount native authority however constituted. Further, Coates's suggestions seem to suppose that colonisation has not yet commenced, whereas in the Bay of Islands district the whites are already sovereign.⁶ In fact, 'a host of difficulties present themselves at every step in the plan as proposed by Mr. Coates'.⁷ The time is ripe for the British Government to intervene: 'There must be a government that will not only restrain British subjects but New Zealanders also'.⁸

¹ *Remarks upon the latest Official Documents relating to New Zealand*, p. 34.

² *Ibid.* p. 35. ³ Coates to Glenelg, 21st May, 1838. C.O. 209 3. ⁴ *Ibid.*

⁵ These remarks are quoted from the *Report* of a Sub-Committee of New Zealand Missionaries on Coates's letter to Glenelg, dated 23rd July, 1838. The *Report* occurs among the New Zealand papers preserved in the archives of the C.M.S. N.Z. Papers, No. 48.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Report* of another Sub-Committee preserved in the same archives. N.Z. Papers, No. 48.

But for all that Mr. Coates's ideas had triumphed. In the first passage at arms between the adherents of the missionary and of the colonising principles, the latter had been forced to give way. We have described the ideas of the protagonists and the course of the battle at some length, because this preliminary episode strikes the keynote of the first years of New Zealand history.

The curtain had hardly fallen on the first scene, when the second was ready to commence. Wakefield was not the man to be easily baffled. Many families had been induced by the promises of the Association to sell their belongings in England in order to be ready to join its first colony,¹ and something had to be done for them. So the New Zealand Association was dissolved, and a new body called the New Zealand Colonisation Company, took its place.² In order to meet the objections of the Colonial Office the Company was to be run on the **Joint Stock principle**.³

In the *First Report* of the Directors of the New Zealand Company the genesis of the Company is described as follows :

On the dissolution of the Association, some of its members formed a plan, according to the suggestion of His Majesty's Government, for the prosecution of its leading objects, by means of a Joint Stock Company. On the 29th August, 1838, a private co-partnership was established under the name of the New Zealand Colonisation Company, which gradually increased in strength, until, in the spring of the year 1839, it had raised funds sufficient to purchase an extensive territory in New Zealand (principally surrounding the harbours of Hokianga and Kaipara in the Northern Island), and to fit out a preliminary expedition for surveying the coasts, making further purchases and preparing for the early arrival of a body of settlers. The partners by whom these objects had been effected, agreed to transfer their interests to a more extended company in consideration of receiving in such new company an equivalent amount of stock, to be determined by arbitration⁴; and, they have accordingly assigned the whole of

¹ *P.P.* 1840, vii. p. 468.

² Standish Motte to Normanby, 4th March, 1839. *P.P.* 1840, xxxiii. p. 606.

³ Its first communication was addressed to the Colonial Office on 1st Jan., 1839. C.O. 209/4.

⁴ Fixed by the Arbitrator at 600 shares. *Minutes of Committees of the New Zealand Company.* C.O. 208/185.

their property, rights, and interests, of every description, to the present proprietary. On the 2nd May, 1839, the co-partnership called the 'New Zealand Colonisation Company' ceased to exist, and the first prospectus of the 'New Zealand Company', called for a time the 'New Zealand Land Company', was issued to the public.¹

Glenelg was more favourably disposed towards the Company than he had been towards the Association. On 12th February, 1839, he wrote an important minute for the Cabinet on the question of New Zealand.² He did not, even now, propose 'the encouragement of an extended system of colonisation', but merely 'the establishment of a regular form of government'.

For this purpose it is proposed to obtain by negotiation and cession from the chiefs, the sovereignty for the Queen, of certain portion or portions of land . . . where the British are already settled.

'The New Zealand scheme', he continues,³ 'is not to be a repetition of the South Australian, as far as it involves the delegation of the essential powers of government to commissioners.' On the other hand, he wishes to maintain intact the *land* policy of the South Australian scheme. That policy is to be administered by a company to be called the New Zealand Company, for which purpose a charter of incorporation should be granted to the 'persons now applying for it'. To this Company he wishes to entrust the whole business of colonisation, including, of course, the sale of lands. It is to be a powerful Company, being even empowered to lend money to the Local Government for public purposes.

But this scheme, which does credit to Glenelg, was not destined to come to fruition. Its author left the Colonial Office shortly after he had written the above minute, and was succeeded by Normanby. During Normanby's short tenure of the Seals, Stephen was more powerful than ever. In a minute dated 15th March, 1839, the latter seemed to adopt Glenelg's

¹ The correctness of this sketch is fully borne out by the *Minutes of Committees of the New Zealand Company for the years 1838 and 1839*. C.O. 208/185.

² C.O. 209/4.

³ In a minute dated 21st Jan., 1839, attached to the above, bearing no signature, but undoubtedly written under his directions.

scheme, going even further than his late chief in his suggestion that New Zealand should be *governed* by a Joint Stock Company 'on the model of the old New England constitutions'. But it would be necessary to obtain a list of Directors 'which would disarm the opposition of the great missionary societies'.¹ The provisional Committee of the New Zealand Colonisation Company did not satisfy this condition, and Stephen at once set his face firmly against it. The minute² in which he sets forth the reasons for his antagonism is a remarkable production and very characteristic of the man.

The leading members (of the Committee) are now Roman Catholics. If the business be committed to them, New Zealand will infallibly become a Roman Catholic country. I am convinced that this would give the most serious offence to all the religious bodies which have established missions there. I cannot but express my own opinion that the objection would be perfectly just and well founded. As long as we have our choice of establishing Popery or Protestantism in any part of the world, I cannot imagine any man who is not a Roman Catholic doubting what the choice would be.

On 4th March, 1839, Standish Motte, the provisional chairman of the Company, wrote to Lord Normanby stating that all the conditions imposed by the government on the Association had been fulfilled, and asked for recognition of the Company.³ The Colonial Office replied that it did not consider itself bound by the offer of the previous year which was then definitely rejected; and, moreover, that the list of Directors presented by Motte differed materially from that laid before Glenelg in 1838.⁴

This reply convinced the colonisers that no help was to be expected from the government, and that, if New Zealand was to be colonised at all, the work must be carried out solely by private enterprise. Neither was there a moment to lose. Other colonising companies were forming in Great Britain, and it was known that the 'land-sharks' were beginning operations in New Zealand. Preparations for sending out a preliminary

¹ C.O. 209/4.

² Dated 6th March, 1839. C.O. 209/4.

³ *P.P.* 1840, xxxiii. pp. 606/607.

⁴ Labouchere to Motte, 11th March, 1839. *P.P.* 1840, xxxiii. pp. 607-608.

expedition were hurriedly completed, and on 29th April, 1839, the Company informed the Colonial Office that its first vessel, the 'Tory', was about to sail for New Zealand.¹

Thus ends the first chapter in the history of the colonisation of New Zealand. The episodes by which it is marked are creditable neither to the government nor to the spokesmen of the missionary societies. But while it may be said in extenuation of Mr. Coates and the Rev. John Beecham that their action was prompted by high motives, and that they laboured under a pardonable ignorance of the state of affairs in New Zealand, the government can plead no such extenuating circumstances for the two grave blunders it committed. It was a blunder to insist that the New Zealand Association should become a Joint Stock Company, and thus compel it to shed some of its most important members,² and inscribe gain on its banner instead of public service.³ It was a worse blunder to estrange a body of men which had shown itself ready to fulfil all the conditions of the government (and had in fact fulfilled them), and thus create two antagonistic powers in New Zealand. The man who must bear the chief responsibility for these blunders is Stephen. His strong evangelical prejudices rendered him incapable of considering the question in an impartial spirit. He rejected even Glenelg's scheme, which would have carefully safeguarded the interests of the missionaries, and he embarked the Colonial Office on a course of unfruitful opposition to the Company that inflicted incalculable evil upon the new colony.

¹ W. Hutt to Normanby, 29th April, 1839. *P.P.* 1840, xxxiii. p. 608. The 'Tory' actually sailed on 5th May.

² Few of the names of the members of the Committee of the Association appear on the first Board of Directors of the Company. Notable absentees are Francis Baring, W. B. Baring, Rev. S. Hinds, B. Hawes, Sir W. Molesworth, Sir G. Sinclair, H. G. Ward. Durham to Normanby, 22nd May, 1839. *P.P.* 1840, xxxiii. p. 615. Molesworth and Francis Baring came on the Board of Directors during the second half of 1839.

³ The sequel will show how the necessity of earning dividends affected the Company's policy.

IV

THE COMPANY AT WORK

THE Company, which was constituted on the 2nd May, 1839, was a strong one. It had a nominal capital of £400,000, in 4,000 shares of £100 each.¹ Though its Court of Directors had lost some of the most prominent members of the Committee of the old Association, it still contained men of influence and talent, and during the first two years of its existence was gradually increasing in strength.² Noblemen such as the Earl of Durham and Lord Petre, members of Parliament such as Francis Baring, Charles Buller and Sir William Molesworth, and wealthy merchants such as Joseph Somes gave the Company an enviable distinction among the commercial bodies of the City.³

¹ Durham to Normanby, 22nd May, 1839. *P.P.* 1840, xxxiii. p. 615. This capital was soon reduced to £100,000, in 4,000 shares of £25 each.

² The first Court was constituted as follows :

Governor—The Earl of Durham.

Deputy Governor—Joseph Somes, Esq.

Directors—Lord Petre, J. W. Buckle, Russell Ellice, R. Fenwick, J. B. Gordon, W. Hutt, M.P., G. Lyall, S. Marjoribanks, G. Palmer, M.P., J. Pirie, Sir J. Sinclair, M.P., J. A. Smith, M.P., W. Thompson, M.P., Colonel Torrens, Sir H. Webb, Arthur Willis, G. E. Young.

During the latter part of 1839 the Hon. Francis Baring, M.P., and Sir W. Molesworth, M.P., joined the Court ; in 1840, Viscount Ingestre, M.P., E. G. Wakefield, and H.A. Aglionby, M.P., ; in 1841, Charles Buller, M.P. ; and in 1842, Viscount Courtenay, M.P. *P.P.* 1844, xiii. p. 407.

³ On 22nd May, 1840, a petition was presented to Parliament supporting the policy of the New Zealand Company. The petition was signed by some of the most important 'merchants, bankers, and ship-owners of the City of London'. *P.P.* 1840, vii. p. 593. After Durham's death Joseph Somes became Governor of the Company. 'He rose from the condition of an apprentice to a lighterman to that of the greatest shipowner in the world.' *New Zealand Journal*, 5th July, 1845.

Behind the Company there still stood Edward Gibbon Wakefield, although his name does not appear on its Court of Directors until the year 1840. Wakefield had joined the Colonisation Company soon after its formation, and at once took a leading part in its operations. It was he who urged the immediate despatch of a preliminary expedition,¹ and brought about the junction between the Colonisation Company and the Company of 1825, 'after long and protracted negotiations'.² In the resulting Company he took no less than 100 shares, and his influence was more than commensurate with his pecuniary interest. He had a seat on all the important Committees of Directors, and on perusing their minutes one cannot help realising how the most pregnant suggestions and the most far-reaching proposals originated in Wakefield's mind.³ Similarly, when delicate negotiations had to be undertaken recourse was generally had to him.⁴ Even when, as in 1841, he was not a member of the Court of Directors, he was still present 'by invitation', whenever important decisions had to be taken.⁵

Relations between the Colonial Office and the Company, which had been ruptured by the despatch of the 'Tory', were not restored until some time after the advent of Lord John Russell, the successor of Lord Normanby. The Directors felt

¹ *Minutes* of a General Meeting of the Colonisation Company, held on 10th April, 1839. C.O. 208/185.

² *Minutes* of a General Meeting of the Colonisation Company, held on 2nd May, 1839. C.O. 208/185.

³ See *Minutes* of Committees of the New Zealand Company. C.O. 208/185 and 186.

⁴ *Ibid.*

⁵ *Ibid.* During the negotiations which led up to the important 'arrangement' between the Company and the Colonial Office, Lord John Russell recognised that 'we have to deal with Mr. Wakefield, who is behind the curtain'. Memorandum, Oct., 1840. C.O. 200 8.

In a letter to his father dated 22nd Oct., 1841, Wakefield describes his share in the work of colonisation. 'I am, he says, "only a generaliser or theoriser . . . leaving all the filling up of an extensive project to others. In fact, I have not time to attend to details, almost every hour of my day, to say nothing of nights, from year's end to year's end, being engaged in taking care of the principles and main points of the New Zealand enterprise, and in what Arthur calls "the management of people", which means the persuading of all sorts of dispositions to pull together for a common object'. B.M., MS., ADD. 35,261.

their isolated position acutely. Towards the end of the year 1839 they complained to Lord Palmerston that 'the Colonial Office refuses to hold any communication with, or in any way recognise the existence of, the New Zealand Company'. Shortly after John Russell had superseded Normanby, Young addressed the new minister in a long letter vindicating the measures the Directors had been obliged to take owing to the default of the government, and concluding with these words: 'If you will yourself examine the whole question, I feel confident that the suspicions that must have been most unworthily infused into your Lordship's mind will vanish.'¹ This was, of course, a direct hit at Stephen, whose hostility to the Company continued unabated, and who as late as 6th March, 1840, was cautioning Lord John against being drawn into a correspondence with it on the affairs of New Zealand and thus indirectly according it 'that recognition which has so often been refused this Company as a body lawfully constituted for lawful and good ends'.²

Fortunately for the Company Lord John Russell happened to be that Secretary of State whom Stephen himself was to single out from among those under whom he had served as possessing a 'dominant soul'.³ He examined the whole question for himself, and in October 1840, after he had been in office for about a year, decided to reverse the policy of his predecessors and to recognise the Company as an instrument of government in the colonisation of New Zealand. On 14th October, Stephen, evidently rather sore at his chief's decision, wrote:

Although the Company are completely at our mercy, and might with perfect safety, except to themselves, be left to find their own way out of the embarrassment in which they have involved themselves, yet it is proposed . . . by Lord John Russell to deal in a totally different spirit with them.⁴

The spirit in which Lord John Russell dealt with the Company is embodied in the terms of an 'arrangement' transmitted to Mr. Somes on 18th November, 1840.⁵ These terms were divided

¹ G. F. Young to Russell, 7th Nov., 1839. *P.P.* 1840, xxxiii. p. 644.

² *Memorandum*. C.O. 209/8. ³ *The First Sir James Stephen*, p. 99.

⁴ *Memorandum*. C.O. 209/8.

⁵ R. V. Smith to Somes, 18th Nov., 1840. *P.P.* 1841, xvii. pp. 581-583.

into three distinct sections, of which the first is by far the most important. It dealt with the 'retrospective adjustment of the claims of the Company'. The nature ¹ of these claims is thus described :

It being understood that the Company have invested large sums of money in the purchase of land in New Zealand, from the native chiefs and others ; in the taking up, chartering, and despatching ships for the conveyance of emigrants thither ; in the maintenance of such emigrants before and during the outward voyage ; in the purchase and transmission of stores for the public use of the settlers collectively on their arrival ; in surveys ; in the erection of buildings, or the execution of other works dedicated exclusively to the public service of the settlement, and in other heads of expenditure and absolute liabilities unavoidably required or reasonably incurred for the above-mentioned purposes ; it is agreed that an estimate be forthwith made of this outlay, under the different heads thus enumerated.

When the amount of the above-mentioned expenditure shall have been ascertained the Company shall be secured by a grant from the Crown to them, under the public seal of the colony, of as many acres of land as shall be equal to four times the number of pounds sterling they shall be found to have expended in the manner and for the purposes above-mentioned.

The first 160,000 acres assigned to the Company are to be selected by their agents in those parts of the Port Nicholson and New Plymouth districts already occupied by their settlers, without conditions as to the size and shape of the separate tracts selected. The rest of the land to which the Company may become entitled is to be selected in one or more blocks. 'Of such blocks, any number not exceeding six may be of the size of not less than 5,000 acres each, and the rest of the size of not less than 30,000 acres each. Every such block shall be one continuous tract. Each block shall be bounded as far as possible by the natural landmarks of the country. As far as such natural landmarks may admit, each block shall be as nearly as possible a solid parallelogram, of which no one side shall be more than twice the length of any other side.' The government is to undertake all external surveys of every block of land assigned to the Company, while the latter is to be responsible

¹ The paragraph quoted gives at the same time a very clear statement of the objects of the New Zealand Company.

for all interior surveys, becoming entitled to be compensated in land for the expense so incurred.

In return the Company shall 'forego and disclaim all title, or pretence of title, to any lands purchased or acquired by them in New Zealand' other than such as are held by them under direct title from the Crown.

The second section of the 'arrangement' deals with the incorporation of the Company. A charter will be granted to the Company for forty years with provisions for its resumption within that period, should such a course be necessary in the public interest.

The objects of the incorporation will be declared to be the purchase, sale, settlement and cultivation of lands in New Zealand, and the advancement of money on the security of lands situate there, for promoting the cultivation of such lands.

Special provisions are to be inserted dealing with emigration and placing all ships and emigrants under the superintendence of the Government.

The last section, which is devoted to the powers of the Company, authorises it to acquire by purchase any lands in New Zealand that it may think proper to buy, except lands belonging to the natives. The Company is to be allowed a discount if at any one time it purchases 50,000 acres from the Government.¹

The Company thankfully accepted this arrangement, in the drafting of which, indeed, its representatives had had a large share.² It was formally incorporated on 12th February, 1841. Besides the regular clauses providing for Courts of Directors and Proprietors, and the mode of election to the former, and others detailing the objects of the Company, the charter contained provisions raising the capital of the Company from £100,000 to £300,000, of which £200,000 was to be paid up within twelve months; while another clause empowered the Company to extend its capital to one million pounds.

The Directors were elated at this consummation. They believed that all their troubles were now over, and that in the future they would enjoy the cordial co-operation of the Govern-

¹ After some correspondence this discount was fixed at 10 per cent. R. V. Smith to Somes, 2nd March, 1841. C.O. 209/8.

² Somes to Russell, 19th Nov., 1840. P.P. 1841, xvii. pp. 583-584.

ment. So much having already been done while they were at loggerheads with the Colonial Office, the future seemed bright with the promise of success.¹

Throughout the year 1839 the Company had been acting with great energy.

The first thing it did was to create an efficient organisation. The strongest staff that its finances could afford was collected in Broad Street Buildings. A large portion of the work devolved on the Directors, who were a public-spirited body of men, working not only in the interests of the Company's dividends, but fired with enthusiasm at the prospect of founding a flourishing British Colony at the Antipodes. In order to do their work more efficiently they formed themselves into Standing Committees, such as the Finance, Shipping and Emigration, Land, and Correspondence Committees which acted like departments of Government, administering the affairs entrusted to them, and reporting to the Court of Directors.²

Agents, whose business it was to create an interest in the Company's operations, to sell its shares and land orders,³ and to obtain suitable emigrants⁴ were appointed in most of the large towns of Great Britain,⁵ and in a few Irish cities.⁶ In Glasgow an influential Committee was established called the West of Scotland Committee, to superintend emigration from

¹ Bell to Colonel Wakefield, 26th April, 1841. C.O. 208/166.

² See the Minutes of Committees of the New Zealand Company. C.O. 208/185 ff.

³ The commission was 5 per cent. on all shares sold by, and on all purchases of land orders actually effected through, an agent. Ward (Secretary of the Company) to Agents (Circular), 12th June, 1839. C.O. 208/147.

⁴ In the case of 'free emigrants' (i.e. persons who were conveyed free of charge), the Company allowed an agent forty shillings for every married couple he might select, and ten shillings for each unmarried adult, son or daughter, accompanying his or her parents. Pamphlet entitled 'Instructions to Agents', and dated 14th January, 1840. C.O. 208/291.

⁵ An *Alphabetical List of places at which Agents have been appointed* (C.O. 208,280) shows that the Company had agents in no less than fifty-two towns in Great Britain.

⁶ There were agencies at Belfast and Dublin as well as one for the whole of Ireland. *Ibid.*

the Clyde.¹ Its secretary was Mr. John Crawford, who by speech and pen did much 'to induce a spirit of colonisation' in Scotland. In Dublin there was a New Zealand Committee of Ireland, whose members included the Lord Mayor, the Archbishop of Dublin, and the Provost of Trinity College.² In 1841 the Agency System was extended to the Australian colonies, agents being appointed at Sydney, Launceston, Melbourne and Adelaide.³

The Directors took good care that their cause should not suffer for lack of propaganda. They made full use of the periodical press. Of London magazines, they were always sure of the support of the *Colonial Gazette*,⁴ and *The Spectator*, whose editor was the famous Rintoul, that staunch friend of colonisation. On 8th February, 1840, appeared the first number of the *New Zealand Journal*, which, though claiming to be independent, received financial aid from the Company, and supported it through thick and thin.⁵ Its closely written pages still glow with the fires of past controversies; but they also contain the record of the early struggles of the pioneers in the *terra incognita* of New Zealand.⁶

Nor did the Company neglect the daily press, as its 'Scrap-book of Newspaper Cuttings' proves.⁷ It was natural that its operations should attract a good deal of attention in the

¹ The Earl of Glasgow, the Duke of Hamilton, the Duke of Argyle and 'other noblemen and gentlemen' acted as Extraordinary Directors for the West of Scotland. Crawford to Ward, 15th November, 1839. C.O. 208/3.

² *New Zealand Journal*, 8th Feb., 1840.

³ *Minutes of the Land Committee*, 23rd April, 1841. C.O. 208/186.

⁴ Its first number appeared on 1st Dec., 1838. Until 3rd Aug., 1839, it was connected with the Colonial Society, but after that date passed into the hands of the conductors of *The Spectator*.

⁵ The *New Zealand Journal* survived with various vicissitudes and under various editors until 6th Nov., 1852. Its first editor was Henry Samuel (afterwards Mr. Justice) Chapman.

⁶ In 1839 Ward, the Secretary of the Company, published his *Information Relative to New Zealand*. The book describes 'the face of the country', its rivers, harbours, climate and soil, natural productions and native inhabitants. It also gives an account of former attempts to colonise New Zealand and of the Company's system. It quickly went through four editions.

⁷ C.O. 208/291, 292.

London papers.¹ But it was not satisfied with this publicity alone. English provincial papers were enlisted in the work of propaganda. If Scottish papers give any indication as to public feeling in that country, Scotsmen were keenly interested in the colonisation of New Zealand throughout the years 1839 and 1840.

To aid the work of newspapers and periodicals the Company had huge placards posted up in London and the provinces, informing the public of the periods at which ships were expected to sail for New Zealand, and on what terms labourers could have free passages.² It was to the latter class that the placards were intended specially to appeal.

Nor were the Directors ignorant of the value of public functions and spectacular demonstrations. During the years 1839 and 1840, public meetings, dinners, fêtes and balls were of common occurrence. We read of large public meetings held in the Guild Halls of London³ and Glasgow,⁴ and in the Mansion House in Dublin.⁵ When Lord John Russell ratifies the 'Arrangement' with the Company, a dinner is given in his honour and enthusiastic speeches are delivered for the benefit of the public.⁶ In Glasgow, in order to celebrate the departure of the first Scottish colony from the Clyde, a 'Colonization Dinner' was held, in which the romance always associated

¹ That attention was not always favourable to the Company. *The Times* and the *Morning Post* were its implacable enemies. Their opposition seems to have been due to political causes. On 18th April, 1840, the *Morning Post* writes of the Company's Directors that they are 'liberals all', and goes on to describe it as 'the great association of land and emigration jobbers'. *The Times* of 27th July, 1840, is more bitter still. 'A band of "gentlemen,"' it writes, 'whose passion for money has unhappily superseded their love of honest fame, have for some time been prosecuting a system of monstrous plunder both in New Zealand and at home—first by such pretended land bargains with the savage chiefs as the Court of Chancery (if practised on any of its wards) would pronounce to be absolute swindling, and then, by selling those pretended purchases at an enormous profit to the dupes in this country who are infatuated enough to be gulled by them.'

² C.O. 208/291, 292. ³ *New Zealand Journal*, 18th April, 1840.

⁴ *Glasgow Chronicle*, 11th May, 1840.

⁵ *Colonial Gazette*, 6th Nov., 1839.

⁶ *New Zealand Journal*, 15th Feb., 1841.

with New Zealand's early history found fervid utterance, the principal speaker ending his speech in poetic strain :

On Zealand's Hills where tigers steal along,
And the dread Indian chants a dismal song ;
Where human fiends on midnight errands walk,
And bathe in brains the murderous tomahawk ;
There shall the flocks on thymy pastures stray,
And shepherds dance at Summer's opening day.¹

The Directors of the Company contributed £50 towards the expenses of this dinner,² and their Secretary wrote to Crawford that ' the *éclat* with which you despatched the " Bengal " and " Merchant " cannot fail to advance the infant colony in public opinion '.³ At Plymouth this enthusiasm probably reached its highest pitch. The West Country gentlemen were asked to remember what a glorious part their counties had played in the colonisation of America in the seventeenth century, and were exhorted to emulate that example. On 30th October, 1840, a ' Grand Fête ' was given by the Plymouth Company of New Zealand to celebrate the sailing of its first expedition.

The assembly called together was one of the most brilliant ever collected on any similar occasion. . . . The meeting comprised a very large proportion of the gentry and nobility of this district and the neighbouring county of Cornwall, while from the towns of Plymouth, Devonport and Stonehouse, the attendance of the most respectable inhabitants was given, added to a great number of the officers of the army and navy.⁴

To commemorate the departure of the Nelson colony another ' Grand Fête ' was given at the West India Dock Tavern, at which ' royal and noble personages ' were present.⁵

¹ *Glasgow Constitutional*, 26th Oct., 1839.

² Ward to Crawford, 22nd Nov., 1839. C.O. 208/147.

³ *Ibid.*

⁴ *New Zealand Gazette*, 7th Nov., 1840. The account is quoted *verbatim* from the *Devonport Independent*.

⁵ *New Zealand Journal*, 18th Sept., 1841.

Lord John Russell considered the Company to be ' intolerable puffers ' (*Memorandum*, 28th Aug., 1841. C.O. 209/11). He was probably thinking of these ' fêtes ', and of the fact that the Company sometimes published rather highly coloured descriptions of New Zealand. But the expression is too strong. On the whole the Company exercised remarkable restraint. Its agents were instructed to rather understate than exaggerate the advantages of New Zealand.

Like all other companies, that of New Zealand liked to have 'a noble personage' as its Governor. On 10th May, 1840, its first Governor, the Earl of Durham, handed in his resignation on account of ill-health, but, when the Directors assured him that his withdrawal at that time would be detrimental to their interests, he consented not to press it.¹ On 28th July he was dead. The Directors offered the vacant position to the Duke of Richmond who, however, refused.² Eventually Mr. Joseph Somes, a wealthy London merchant and shipowner, was prevailed upon to accept the governorship.³

Another method by which the Company sought to extend its influence throughout the country, and at the same time carry on its operations more efficiently, was by the creation of auxiliary companies.⁴ The conception was an ingenious one. In their operations these companies would be entirely guided by the principles and practice of the parent Company. They would superintend emigration from the outports much more effectively than the London Company could hope to do, and their propaganda would likewise be more efficient. At the same time, since each would have its own subscribed capital and balance sheet, the main company would run no risk in the event of their failure. Lastly, since they would buy lands from it, the parent Company would set them to colonise whichever lands it pleased.

As the Company had decided to start the colonisation of New Zealand on the lands adjoining Cook's Straits, it was naturally anxious to dispose on advantageous terms of those lands at Hokianga and the Kaipara which it had acquired from the Company of 1826, and, latterly, from a certain Lieutenant

¹ *Durham to the Directors of the New Zealand Company*, 15th May, 1840. C.O. 208/6. But even so Durham was unable to see how he could be of any use to the Company. His words are worth quoting: 'I am unable from illness to give you personal co-operation. I belong to neither of the great parties in the state, and cannot therefore afford you that political and parliamentary strength which you avowedly and naturally seek. In these circumstances I cannot but feel that my place will be more usefully filled by one who enjoys those advantages of which I am deprived.' *Ibid.*

² *Minutes of a Directors' Meeting*, 3rd Sept., 1840. C.O. 208/166.

³ *Ibid.*

⁴ Ward to Crawford, 7th Feb., 1840. C.O. 208/148.

McDonnell.¹ These lands it offered to the proposed auxiliary companies. Throughout the first half of 1840 the Directors were encouraging the Glasgow agency to form a Glasgow or Scottish Company.² Negotiations ensued, but with no result.³ They then tried to form a Liverpool Company with equal failure: their terms were considered too high.⁴

While the Company was anxious to establish subordinate companies, it resented independent rival companies. An attempt to set up such an association at Glasgow was discouraged,⁵ and when an independent company was actually formed in Scotland an unsuccessful effort was made to buy up its interests.⁶ Fortunately for the New Zealand Company, its would-be rival, the Manakau and Waitemata Company, continued to languish throughout a very chequered existence.⁷

In one instance the efforts of the Directors were crowned with success. They had an energetic agent⁸ at Plymouth, and to him they entrusted the task of forming an 'auxiliary

¹ *Minutes of a Meeting of the Directors of the New Zealand Company*, 9th April, 1839. C.O. 208/185.

² Ward to Crawford, 15th Feb., 1840. C.O. 208/148.

³ Ward to McDonnell, 26th June, 1840. C.O. 208/148.

⁴ Whitehead to Ward, 11th July, 1840. C.O. 208/7.

⁵ Ward to Crawford, 15th Feb., 1840. C.O. 208/148.

⁶ *Minutes of a Special Committee*, 29th Dec., 1841. C.O. 208 186.

⁷ In November, 1838, the Company acquired the concession of a certain T. Mitchell to lands in New Zealand. They were situated in the vicinity of Auckland. In Dec., 1840, it despatched a few families from Greenock. In 1842 the Colonial Office recognised the right of the Company to 19,924 acres in New Zealand on account of expenses incurred in the purchase of lands and the service of emigration. (Stanley to Hobson, 29th Dec., 1842. *P.P.* 1844. xiii. p. 743.) But owing to the death of its agent and other causes the Company's settlers were never put in possession of their lands. They were, in fact, duped by the Company, who referred them to its agent in New Zealand, but omitted to mention his name! In 1844 Governor FitzRoy allowed the settlers to exchange their land orders for Crown land, at the rate of one Crown acre for four acres of scrip. (FitzRoy to Stanley, 16th Nov., 1845. L.O. 209/36.) On their arrival the emigrants had started laying out a township, but in 1850 there was not a single settler on the Company's lands. (Governor Grey to Earl Grey, 21st June, 1850. *P.P.* 1851, xxxv. p. 582.)

⁸ Thomas Woollcombe, Sir William Molesworth's solicitor, 'and his devoted friend through life'. Mrs. Fawcett, *Op. cit.*, p. 65, note 1.

company', 'which will purchase £10,000 of land and £10,000 of stock'.¹ On these terms the Plymouth Company came into existence during the opening months of the year 1840. Its chairman was the Earl of Devon, who had presided over the Lords' Committee on New Zealand, and among its Directors were such friends of colonisation as Lord Eliot and Sir William Molesworth.² The Directors of the London Company fostered their Plymouth *protégé* by every means in their power. They acted as its agents in London, revising its ship tenders and charter parties and receiving tenders for its service.³ The Plymouth Directors, on their side, adopted the land and emigration policy of the parent Company in almost every particular. In October 1840 they despatched their first expedition to New Zealand, and thus became responsible for the foundation of the settlement of New Plymouth.⁴ By 4th December, 1840, they had already sold land to the value of £12,500.⁵ But in spite of all this the Company was never a strong one. It had a paid-up capital of less than £4,000.⁶ Consequently when it lost a large proportion of its funds by the failure of Messrs. Wright & Co., its Directors appealed to the New Zealand Company either to help them tide over their difficulties by means of a loan or else to allow the Plymouth Company to merge into the New Zealand Company.⁷ A loan was impossible, and the Company did not like the only alternative, but on 17th February, 1841, it at length consented. The conditions of merger were that :

The New Zealand Company should take a transfer of the assets and liabilities of the Plymouth Company, and the Plymouth Company receive £12,500 stock or 500 shares in the London Company (including the 400 shares previously assigned to it), as the consideration of the transfer.⁸

The Court of Directors of the Plymouth Company were to constitute a 'Committee of Agency for the sale of land and the

¹ Ward to Crawford, 7th Feb., 1840. C.O. 208/148.

² *P.P.* 1844, xiii. p. 695.

³ Ward to Woolcombe, 4th Dec., 1840. C.O. 208/147.

⁴ Altogether the Company sent two ships to New Zealand, the 'William Bryan' and the 'Amelia', conveying 150 and 187 passengers respectively.

⁵ Ward to Woolcombe, 4th Dec., 1840. C.O. 208/147.

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Ward to Woolcombe, 17th Feb., 1841. C.O. 208/147.

selection of emigrants under the regulations of the New Zealand Company'.¹ This Committee continued to act until the Company abolished the whole Plymouth establishment, on the score of expense, towards the end of the year 1842.² With it there disappeared the last trace of 'auxiliary companies'.

Not quite a month after the departure of their preliminary expedition, the Directors of the New Zealand Company published their first prospectus.³

The Company have already acquired very extensive tracts of land in the North Island of New Zealand, and have despatched an expedition for the purpose of purchasing other lands, and of selecting the most eligible district for the first and principal settlement.

Where that first settlement was to be was still an open question. In their instructions to Colonel Wakefield, the leader of the preliminary expedition, the Directors, although confessing to a partiality for a settlement somewhere in Cook's Straits and particularly for Port Nicholson, gave him unfettered powers of selection, subject only to the proviso that commercial considerations should take precedence over agricultural.⁴

When the most eligible district in New Zealand has been chosen, the prospectus continues, a selection will be made of the most eligible lands in the district which, having been divided into town and country sections, will constitute the first settlement. These lands, being chosen by a 'double selection', will be 'more valuable than any other like extent of land in the islands'.⁵ 'These doubly-selected lands will be divided into 1,100 sections, each section comprising one town acre and one hundred country acres.'⁶ Of the 1,100 sections, 110 will constitute a native reserve. The remainder, being 990 sections of 101 acres each, are offered for sale at the price of £101 per acre. Each purchaser will receive a land-order. The order of choice in the settlement will be determined by lot.

The Company guaranteed that it would devote 75 per cent.

¹ *Ibid.*

² On 9th Sept., 1842, the Finance Committee decided that the Plymouth establishment should be abolished. *Minutes*. C.O. 208/127.

³ *Terms of Purchase for Lands in the Company's First and Principal Settlement*. The prospectus is dated 1st June, 1839. C.O. 208/291.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.*

of the proceeds of all land sales to emigration. Purchasers of land-orders intending to emigrate to New Zealand would be entitled to a 75 per cent. drawback on their purchase money to cover their own passage fares and those of their families and servants, provided the latter were approved by the Company as to age, sex and character. The rest of the emigration fund would be devoted towards providing free passages for emigrants of the labouring class.¹

All these regulations were in practical accordance with the Wakefield system,² and we may be sure that Wakefield, who at this period was particularly active on the Committees of the Company, had a large share in framing them. But this part of the Company's scheme had one great weakness. The sections offered for sale were purely imaginary. No one knew even remotely the kind of land he was buying. Later, when their settlements had to struggle hard for their very existence, the Directors blamed external agencies like the Government for all their troubles. But at least some of those troubles were due to this initial false step. Precipitancy was a characteristic of all their early proceedings. They considered that the interests of their shareholders required despatch. They probably feared that the interest which had been roused in the colonisation of New Zealand by recent parliamentary discussions and enquiries might wane unless something tangible were done at once. The colonists who had been collected by the old Association had also to be provided for. But in spite of all these circumstances one cannot but lament the fact that the systematic colonisers did not publish a complete survey of their settlement before attempting to sell their land orders. In this they acted very unsystematically.

The uncertainty as to the kind of lands purchasers would receive must have operated as a powerful incentive to speculation, and to the creation of the undesirable class of absentee proprietors. In the Company's regulations there was nothing to prevent absenteeism.³ On the contrary, if we are to judge

¹ *Ibid.*

² If we consider that 'system' not as a whole whose parts are logically connected and inseparable, but as a series of precepts that have to be empirically applied.

³ The 75 per cent. drawback to purchasers who actually emigrated would, however, encourage resident proprietorship. See below, Chap. VI.

by its Secretary's letters to agents, its chief anxiety seems to have been to get its sections disposed of quickly. So fast did the sale proceed, that by 18th July, 1839, all the available sections in the first settlement had been sold.¹ On the 30th July the Directors published a new set of terms of purchase.² This time they offered only country sections, to the extent of 50,000 acres, at the price of £100 per section of 100 acres. Purchasers would have the right of selection from the whole of the Company's territories 'so soon as the requisite surveys thereof shall have been completed'. This last proviso greatly limited the area of choice for many years to come.

The terms of purchase of lands in the projected settlement of New Plymouth as published by the Directors of the Plymouth Company shortly after its establishment differed slightly from those set forth above. Each allotment was to consist of three distinct sections, a town section of a quarter acre, a suburban section of 50 acres, and a rural section of 50 acres. The price of each allotment was £150, or thirty shillings per acre, of which 66—2/3 per cent. was to be devoted to emigration. When the New Plymouth allotments were advertised for sale, by the middle of the year 1840, the enthusiasm of purchasers had noticeably waned. Although the settlement was only to consist of 60,000 acres, no less than 46,053 acres remained unsold on 5th April, 1844.³

At the beginning of 1841 the Directors of the Company were in a very optimistic frame of mind: the arrangement with the Government had been ratified, and everything seemed to be going smoothly. So they began with zest the formation of a second colony. On 3rd February, 1841, Mr. Bryan Edward Duppa, one of the intending colonists, wrote to the Directors advocating a scheme⁴ which was examined by the Land Committee. On 8th February they reported strongly in its favour.⁵

¹ Ward to Crawford, 18th July, 1839. C.O. 208/147.

² 'Terms of purchase for lands in the Company's settlements.' C.O. 208/291.

³ *P.P.* 1844, xiii. p. 685.

⁴ Duppa to Ward, 3rd Feb., 1841. *P.P.* 1841, xvii. pp. 628-630.

⁵ *Reports of Committees.* C.O. 208/186. It is very probable that the Nelson Colonists owe their scheme to Wakefield. He was in continual communication with committees of colonists. Also, he was the chief member of the Land Committee.

They considered it the duty of the Directors to form a second settlement in virtue of the promises that had been given to the public. Neither need they have any qualms on the score of expense, since 'the whole of the land proposed to be sold would be received by the Company in return for the outlay of the portion of the produce of the sale stipulated to be expended on emigration'. If the public took up the allotments the Directors would make a clear profit of £50,000. And the public would be sure to respond to 'a bold and confident policy'.¹

The plan of this second colony was even more novel than that of the first.² It was also much more ambitious. The settlement was to consist of 201,000 acres divided into 1,000 allotments of 201 acres each. Each allotment was to consist of 150 acres of rural land, 50 acres of accommodation land in the proximity of the town, and one town acre. In stipulating that the price per allotment should be £300, that is to say thirty shillings per acre instead of the twenty shillings that were paid by the members of the first colony, the colonists thought that they were suggesting 'a valuable improvement'.³ For they wanted their money to do much more than merely provide them with labourers. The £300,000 received by the Company was to be appropriated as follows :

£150,000 to emigration. . . .

£50,000 to defray the Company's expenses in selecting the site and establishing the settlement. . . .

£50,000 to public purposes, for rendering the settlement commodious and attractive. As such purposes, it is intended to apply £15,000 to religious uses and endowments. . . . £15,000 to the establishment of a college . . . and £20,000 towards the encouragement of steam navigation.

£50,000 to the Company.⁴

Such was the Nelson scheme, important, since it served as the prototype for the colonies of Otago and Canterbury. It

¹ *Ibid.*

² F. Dillon Bell to Russell, 3rd April, 1841. (Encl. 2.) *P.P.* 1841, xvii. pp. 631-632.

³ Duppa to Ward, 3rd Feb., 1841. *P.P.* 1841, xvii. pp. 628-630.

⁴ F. Dillon Bell to Russell, 3rd April, 1841. (Encl. 2.) *P.P.* 1841, xvii. pp. 631-632.

may be characterised as an advance on the Wakefield System. Wakefield himself never intended his 'sufficient price' to do more than provide enough labour for the infant colony, though authority for making a settlement 'commodious and attractive' can certainly be found in his books.¹

For the rest, the second scheme laboured under the same great defect as the first. When the allotments were offered for sale the site of the settlement had not yet been determined. A future chapter will show how, when the site was chosen, it proved impossible to carry out the scheme of the settlement, and disputes arose which embittered the relations between the settlers and the Company.

The Nelson lands did not sell as rapidly as the Directors had anticipated,² although they made valiant efforts, and implored their agents to aid them. If, as seems in part to have been the case, they projected the second settlement in order to stimulate the enthusiasm of 'capitalists', which, as the land sales of 1840 proved,³ was beginning to cool considerably, the results were not satisfactory. On 5th April, 1844, over 100,000 acres still remained for sale.⁴

On 10th August, 1841, a few weeks before the despatch of the first body of colonists, the lottery which was to determine the order in which the landowners were to choose their lands, took place. Under the circumstances in which the Company

¹ But not by appropriating a part of the Emigration Fund to that purpose. By sanctioning this 'advance' on his system Wakefield undoubtedly weakened the claims he had made for it as a logical whole that would be destroyed if any of its parts were touched. For his system prescribed (i) the sale of all colonial lands at a fixed, uniform price, (ii) the application of all the proceeds to emigration. The first rule was transgressed by the division of the lands of the settlement into town, suburban and country sections, and the second by the various special appropriations. In *England and America* Wakefield had specifically condemned religious and educational grants out of the Land Fund (vol. ii. p. 167). It is only by studying the colonisation of New Zealand that we can ascertain what Wakefield thought of the mathematical accuracy of his system when he had to carry it out himself.

² *Minutes of Land Committee*, 5th July, 1841. C.O. 208/166.

³ Mr. John Crawford, the Secretary of the Glasgow Committee, in many a letter written in June and July, 1840, begged the Company to despatch a second emigrant ship from the Clyde. The reply was always that not enough land had been sold in Scotland.

⁴ *P.P.* 1844, xiii. p. 685.

was placed it was probably the best system that could have been adopted. As the lottery was an integral part of the Company's plan, it may be worth while to describe its working. Says Mr. Cowell :

As by the prospectus the settlement was to consist of 1,100 allotments or properties, a register was opened in London on the 25th March, 1841, with numbers from 1 to 1,100. Applicants for land were to be registered in the order of their applications, and were afterwards, in the rotation thus established, to draw lots in a lottery for the order in which each was respectively to choose his property. . . . Three lottery wheels were now employed, into one of which 1,100 numbers for the town sections, into another 1,100 for the accommodation sections, and into the third 1,100 numbers for the rural sections were placed.

Each registered applicant draws, in the order of his registration, one numbered lot from each wheel. . . . We will suppose Mr. 'A' to draw No. 11 from the town wheel, No. 110 from the accommodation wheel, and No. 1,100 from the rural section wheel. Then ten persons would be entitled to choose their town sections, 109 their accommodation sections, and 1,099 their rural sections before his turn of choice would come.¹

The registry numbers of all the new Plymouth and Nelson² allotments which had not been sold or appropriated at the time of the lottery were put into another wheel with orders of choice attached to them, so that a future purchaser by merely putting his hand into the wheel would have his order of choice determined for him.³

So much for the economic side of the Wakefield System. The Company set itself to carry out his social programme also.

¹ *Report* regarding the settlement of Nelson, dated 23rd Nov., 1847, enclosed in Cowell to Earl Grey, 23rd Nov., 1847. *P.P.* 1852, xxxv. 570, p. 32. Mr. Cowell was the Commissioner appointed by the Government in 1846 to superintend the affairs of the Company. At the date of the lottery the 1,100 properties had been appropriated in the following manner: 442 properties had been purchased by 315 purchasers, 100 properties had been purchased by the Company, 100 properties had been reserved for the Maoris, 458 properties remained unsold. *Ibid.*

² Except 200 allotments in the Nelson settlement which were reserved for sale in the colony. *Ibid.*

³ *Advertisements*, dated respectively 22nd July, 1841, for the New Plymouth, and 13th Sept., 1841, for the Nelson settlement. C.O. 208/292.

But before we deal with the formation of colonies in England, a few words might be said regarding the Company's native policy, though it was never destined to have a fair trial. The Directors sought a method to prevent that extermination of the native population which they believed had taken place wherever white communities settled among an inferior race, and found it in their famous reserve system. Lands were to be bought from the native chiefs in the ordinary way in which the 'land-sharks'¹ managed that business, though the Directors instructed their agents to pay more liberally for their purchases than was usually done.² But they fully recognised that they were paying the natives only a small part of what the land was worth. The real payment for the land would consist in the one-tenth (it later became one-eleventh) part of all their purchases which would be reserved for the chief native families.³ These reserves would be held in trust for them, until they had become sufficiently civilised to administer their estates for themselves. The intention was to create a Maori aristocracy which would be able to represent and defend their weaker brethren.⁴ These weaker tribesmen were to have no lands but were to work as labourers on the estates of European or Maori employers. This, of course, involved the break-up of the tribal system, and the conversion of the Maori chief into an English country gentleman, a process that sounded easier in England than it proved to be in New Zealand. The end of the Company's policy was the amalgamation of the two races.

The Directors were probably quite sincere in their native policy.⁵ They, as well as the settlers whom they sent out to New Zealand, cherished the most kindly feelings towards the natives. Though their projects were amateurish, they were yet the outcome of a generous idealism which often prompted the proceedings of the Company during the first years of its existence.

¹ See above, p. 26.

² John Ward, *Information Relative to New Zealand*, 4th Edition (London, 1841), p. 121.

³ *Ibid.* p. 120.

⁴ *Ibid.* p. 121.

⁵ They had inherited the whole of it from the Association of 1837. *Ibid.* p. 119.

That intending colonists should be brought into intimate relations with each other and so form a real community, even before they left the shores of their native land, had always been advocated by Wakefield. It was one of the points in which systematic colonisation differed from mere emigration. He wrote in 1837

They [the Association] conceived that a body of men assembled with the intention of emigrating to a distant country, are a colony before their departure. Already . . . has every one of them an interest, though not opposed to, still distinct from, the interests of those amongst whom he yet abides ; each of them thinks continually of the new place, and is occupied in making arrangements for his departure and settlement. If they all know each other, meet frequently, and consult together for the good of all, they are a new public, separate from the old one, with public wants, objects, and interests different from those of the old state. If before their departure they procure to be made, so as to carry along with them, the laws which they will have to obey, they constitute a temporary *imperium in imperio*—a small nation on the move—and run no risk of losing those habits of concert and subordination which give peace and prosperity to long-established societies.¹

Such a 'colony' did the colonists of the Company's first settlement attempt to form in England. Already in May, 1839, four months before the departure of the first colony, a society had been formed 'consisting exclusively of heads of families and others who intend to settle in New Zealand'.² The qualification for membership in the society was the purchase of at least one hundred acres of land from the Company, and a member of the society's committee had to own at least five hundred acres.³ The 'colony' thus consisted exclusively of 'capitalists'. The labourers were not and could hardly have been represented. The colony, or rather their committee, strove to carry out Wakefield's full programme. They collected books and subscriptions for a library, to which they proposed to attach a general museum and a scientific institution, and planned a hospital, for the benefit of Maoris as

¹ *The British Colonization of New Zealand*. Introduction, pp. xiv-xv.

² Durham to Normanby, 22nd May, 1839. *P.P.* 1840, xxxiii, p. 614.

³ *Minutes of a General Meeting of the New Zealand Colony*, 20th May, 1839. C.O. 208/185.

well as Europeans.¹ Before they sailed for New Zealand they had already published the first number of the colonial newspaper.² They even framed a code of laws for themselves and got each member of their settlement to bind himself to obey its provisions or submit to the prescribed sanctions.³

The colonists of the Company's second settlement, when their turn came, organised themselves in the same way and for similar purposes.⁴ Only their colony was to be on a larger scale than the first.⁵ 'We utterly repudiate the old fashion of colonising', wrote their spokesman, 'according to which a small and feeble society was content for several generations to adopt the primitive mode of life, and to pursue a rude husbandry, which produced only food for their own subsistence'.⁶ Their destiny, however, was to be different. For on the Company's system of colonisation a new colony resembles a part of an old community, 'preserving in the new place the combination of labour, the division of employments, and the productive power of an advanced civilisation'.⁷ The ideal was Utopian and testifies to the boundless optimism of the time.

Who were the 'capitalists' that formed these colonies at home? They were on the whole small men who, having some available capital, thought the chances of increasing it, by their own efforts, in New Zealand were better than in Britain. Some of the 'capitalists' were the younger sons of old county families.⁸ The Company looked to them to raise the tone of society in its colonies, and was very proud of the class of men it had induced to emigrate.

So far we have been dealing only with the 'capitalistic' side of the Company's enterprise. We have now to consider the manner in which the Directors procured labouring emigrants and conducted emigration. Here, too, they followed

¹ *Advertisement*, dated 8th July, 1839. C.O. 208-291.

² Durham to Normanby, 22nd May, 1839. *P.P.* 1840, xxxiii. p. 619.

³ Ward to Russell, 23rd Nov., 1839 (Encl. 1). *P.P.* 1840, xxxiii. p. 645.

⁴ Dillon-Bell to Russell, 3rd April, 1841 (Encl. 2). C.O. 209/11.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

⁸ From another point of view they were the 'gentry' who, in Wakefield's view, would draw both capitalists and labourers in their train.

out Wakefield's ideas. They believed with him that the chief bane of new colonies had ever been the difficulties capitalists found in procuring labourers. To assure to their capitalists a sufficiency of labour they had their Emigration Fund, out of which they provided labourers with free passages under certain stringent conditions. Applicants had to belong to the class of mechanics and craftsmen, agricultural labourers or domestic servants. Persons resident in a workhouse or in habitual receipt of parish relief were utterly disqualified. To guard against an excess of males, which had proved so detrimental in the case of the convict and other colonies, the Company stipulated that its emigrants must consist principally of married couples. Single women were only accepted if they went out under proper protection, and single men if a corresponding number of single women had been accepted. Young married couples without children enjoyed a preference, and no family that included more than two children under seven was admitted. Only persons between the ages of fourteen and thirty-five were counted as adults, but the latter limit was extended in the case of parents of children above fourteen. Finally, good character was indispensable.¹

These conditions were stringently enforced. Applicants had to furnish testimonials from trustworthy persons,² and the Directors instructed their agents to make personal enquiries regarding the character both of applicants and the persons that recommended them.³ It is sufficient to glance at the voluminous correspondence⁴ conducted by Mr. H. F. Alston, the Company's Superintendent of Emigration, in order to realise how seriously the Directors took the obligation they had laid upon themselves of finding the right type of emigrant.

The Directors did not, however, consider themselves irrevocably bound by their own regulations. 'Red tape' rarely characterised their proceedings. This was one of the advantages they enjoyed over a department of Government. During the first period of their activity they were always ready to make exceptions in deserving cases. Later, after the arrange-

¹ *Regulations to be observed in the selection of emigrants for a free passage*, dated 1st July, 1843. C.O. 208/291.

² *Ibid.*

³ *Instructions to Agents*, 14th Jan. 1840. C.O. 208/291.

⁴ C.O. 208/171-175.

ment with Lord John Russell, when all their proceedings in regard to emigration were supervised by the Land and Emigration Commissioners, they had to conform more strictly to rule as the Government only compensated them for the money spent on the conveyance of the emigrants approved by its agents.

It was no easy matter to obtain the right kind of emigrant, as both the Government and the Company found to their cost. The former had derived a large revenue from the initial sales of land at Auckland (which had just been proclaimed the capital of New Zealand), and half of that revenue, according to standing regulations, had to be devoted to emigration. The Land and Emigration Commissioners determined to spend £12,000 in despatching emigrants to New Zealand from the neighbourhood of Paisley, which was experiencing a period of acute distress, and whose labouring inhabitants had already in 1839 formed a New Zealand Emigration Society.¹ Nevertheless they found great difficulty in filling their ships. Many applicants proved unsuitable, and those who were eligible refused to go.² The New Zealand Company was more fortunate. Its Directors managed to fill its ships, but only at great expense. We have already quoted the large prices they were prepared to pay their agents for the selection of emigrants.³ They added a bribe to the labourers themselves, in the form of a guarantee that, if they could not find employment under private capitalists, the Company would employ them at reasonable wages.⁴ It is not hard to account for this difficulty in obtaining suitable emigrants. In the first place, the Company's regulations were exacting. Secondly, New Zealand was the most distant of all the British colonies, its interior was almost wholly unexplored, and it was known to be inhabited by savage tribes of whose cannibalistic propensities disquiet-

¹ *New Zealand Journal*, 8th Feb. and 15th Aug., 1840.

² *Report of Emigration Commissioners to Stanley*, dated 30th July, 1842. *P.P.* 1842, xxv. p. 72.

³ See above, p. 46, note 4.

⁴ *Regulations* for labourers wishing to emigrate to New Zealand, dated 29th June, 1839. C.O. 208/291. This pledge was withdrawn in July, 1842. *Minutes of Land and Emigration Committee*, 21st July, 1842. C.O. 208/187.

ing rumours were current in England.¹ Lastly, there was the competition of other colonies. Not to mention the Canadian colonies (and, of course, the United States), to which, however, there was no *free* emigration, there was the new colony of South Australia which was being colonised on the same principles as was New Zealand, and appealed to the same class in England.²

The Directors ranged even beyond the British Isles in their search for suitable emigrants. The circumstances were the following: In 1840 one of their agents had purchased the whole of the larger island of the Chathams,³ and as they could not colonise this purchase themselves, they entered into negotiations for its sale with some gentlemen from Hamburg who wanted to found a German colony in the Pacific, and so preserve to the Fatherland at least some of the thousands of emigrants that were annually leaving its shores. The British Government promptly put a stop to these negotiations, refusing to recognise that the Company had any property in the Chatham Islands after its agreement with Lord John Russell.⁴ But during the negotiations an interest had been aroused in the Chatham Islands and indirectly in New Zealand, and many Germans were desirous to emigrate thither. The Directors appointed agents at Hamburg, who were to sell land-orders and

¹ Ward, in his *Information Relative to New Zealand*, p. 73, tries to remove the fears instilled by these rumours.

² The Chichester agent of the Company writes: 'South Australia has so much the call in this neighbourhood in the consequence of there being scarcely a parish which has not supplied emigrants to that colony that I doubt much being able to obtain (at the present time) any good agricultural labourers or mechanics for New Zealand.' James Powell to Ward, 8th May, 1840. C.O. 208/6.

³ Colonel W. Wakefield to the Colonial Secretary (New Zealand), 31st May, 1843. C.O. 208/101.

⁴ Hope to Somes, 27th March, 1842. C.O. 209/17.

According to the agreement between Karl Sieveking, Syndicus of Hamburg, and John Ward, the Hamburg Company was to pay the New Zealand Company £10,000 for its property in the Chatham Islands. The islands were then to come 'under the sovereignty of the Hanse Towns or of some other state or states of the Germanick Confederation'. Such a consummation, wrote the agent of the Hanse Towns to Lord Stanley, would tend to allay the hostile feeling that had been aroused in Germany by Britain's occupation of the Falkland and New Zealand Islands. J. Colquhoun to Stanley, 15th Oct. 1841. C.O. 209/13.

supervise emigration according to their regulations.¹ The experiment did not prove very successful. Very few of their land-orders were sold at Hamburg.² Two ships, the 'St. Pauli' and the 'Skiold' were ultimately despatched with a total of 281 passengers on board.³ But the arrangements, especially on board the 'St. Pauli', caused much dissatisfaction, and there were troubles when the emigrants landed at Nelson.⁴ After 1844 we hear no more of that German emigration from which in 1842 the Company had anticipated so much good for its settlements.

During the first period of its activity, the Company's emigrants were drawn almost exclusively from the English counties. Of the sixty-three ships despatched to New Zealand between May 1839 and May 1844, only three sailed from Scottish ports. The large majority were despatched from Gravesend, though a few also sailed from Deal, Plymouth, and Liverpool.⁵ In 1840 and 1841 a large emigration might have taken place from Scotland to New Zealand.⁶ But as enough land was not being sold by the Glasgow agency,⁷ and as they found a sufficient number of suitable emigrants who were willing to sail from London, the Directors refused to send ships from the Clyde. Also it was cheaper to send emigrants

¹ The agents were Messrs. de Chapeaurouge & Co.

² At the beginning of the year 1844 the Company was negotiating through its Hamburg agents for the sale of 50 allotments to a certain nobleman, but the negotiations fell through, and only seven were sold. De Chapeaurouge and Co. to Harington, 30th Jan. 1844. Appendix to the *Thirteenth Report*.

³ Of these only 23 were cabin passengers. The 'St. Pauli' left Hamburg on 26th Dec., 1842, the 'Skiold' on 21st April, 1844, both for Nelson. *P.P.* 1844, xiii. Appendix, pp. 405-7.

⁴ Mr. Beit, the leader of the 'St. Pauli' emigrants, located them on his worst sections and refused to employ them according to his promise. Tuckett to Col. W. Wakefield, 3rd July, 1843. C.O. 208/85.

⁵ Forty-nine ships sailed from Gravesend, five from Plymouth, three from Deal, two from Greenock, one from Glasgow, one from Liverpool, and two from Hamburg. *P.P.* 1844, xiii. pp. 693-694. Not a single ship sailed from an Irish port. Considering the expense of travelling from Ireland to an English port, we may conclude that no Irish emigrants went to New Zealand during these years.

⁶ Crawford to Ward, 27th June, 1840. C.O. 208/6.

⁷ Crawford to Ward, 22nd June, 1840. C.O. 208/6.

from London, at which port, moreover, the Company could exercise a more efficient superintendence.¹ Intending emigrants, except in special cases, had to pay their own transport fares to London.² We may thus safely assume that the bulk of the emigrants during this first period (in other words, the bulk of the Wellington and Nelson colonists) were drawn from the counties in the vicinity of London.³

In the actual conduct of emigration the Company was conspicuously successful. We have already noted how excellent were the theories upon which it acted. It is necessary to show that these theories were successfully put into practice. Other bodies besides the New Zealand Company were at this time selecting labourers according to Wakefield's principles and superintending their emigration. For example, a large emigration was going on to New South Wales under the direct supervision of the Land and Emigration Commissioners. It is true that a distinct improvement on the practice that prevailed before 1837 had taken place in the conduct of this emigration. But many evils remained. The bounty system⁴ fostered by the Colonial Government had encouraged among shipowners a speculation in emigration orders that often rendered the regulations as to the selection of labourers nugatory.⁵ The surgeons appointed to superintend emigrant ships were on the whole men of indifferent ability,⁶ and the mortality on board was sometimes very great.⁷

The Company's Directors took special precautions to ensure that their emigration should be free from these evils. Besides

¹ Ward to McFarlane, 19th July, 1840. C.O. 208/148.

² 'Regulations for labourers wishing to emigrate to New Zealand', dated 29th June, 1839. C.O. 208/291.

³ Their Chester agent on 20th May, 1840, assures the Directors that he can easily fill a ship with cabin and steerage passengers, providing they will despatch it from Liverpool. Booth to Ward, 20th May, 1840. C.O. 208/6.

⁴ Under this system shipowners obtained bounty orders which authorised them to import emigrants into New South Wales, at a fixed remuneration per married couple (£30 before 3rd March, 1840, when it was raised to £38). *Report of Elliott, the Agent General for Emigration, 1839.*

⁵ *Ibid.*

⁶ Gipps to Stanley, 3rd May, 1842. C.O. 201/320.

⁷ Bourke to Glenelg, 27th July, 1837. C.O. 201/261.

their agents in the provinces they had a Superintendent of Emigration in London, whose duty it was to make a final examination of the emigrants. That their precautions did not fail of success is attested by the reports of their chief agent in New Zealand. True it is that on one occasion Colonel Wakefield found it necessary to address some severe comments to his superiors in London. He wrote on 25th April, 1841 :

With the exception of those brought from Scotland in the 'Blenheim' the emigrants in the last five ships have not been at all equal in value to the previous arrivals. . . . In many cases decrepit persons of between fifty and sixty years of age with no counterbalancing advantages of a healthy growing family appear as under thirty. . . . In numerous instances, crippled, insane, and bed-ridden paupers have landed here.¹

But to prove these very serious imputations the Colonel was only able to give nine examples,² which the Company's agent easily accounted for as being exceptional cases. It was inevitable that in the conduct of the Company's huge business certain irregularities should occasionally creep in. It is rather a matter for surprise that they were so few in number. Colonel Wakefield never had occasion to repeat his complaints, and subsequent letters are full of praise of the 'superior class' of emigrants sent out.³

Whenever they had collected a sufficiently large body of emigrants, the Directors set themselves to provide for their despatch. The first step was to charter a ship of an average displacement of five hundred tons. The master had to bind himself to make all the alterations considered necessary by the Directors for the comfort of their cabin and steerage passengers ; for there were elaborate provisions as to the general condition of the ship, the space on deck and between decks and so on.⁴ They paid the master seventy pounds per cabin, and sixteen

¹ W. Wakefield to the Secretary of the New Zealand Company, 25th April, 1841. C.O. 208/299.

² *Ibid.*

³ See, for example, two letters addressed by him to the Secretary of the Company on 8th June and 3rd July, 1841, respectively. C.O. 208/299.

⁴ 'Tender for the Passage, Accommodation and Diet of Steerage Passengers', 1841. C.O. 208/292.

pounds ten shillings per steerage passenger.¹ Those fares had to cover the expenses both of conveyance and of victualling according to a scale laid down by the Company. As far as the steerage passengers were concerned, that scale was a liberal one, providing for a sufficiency of meat of different kinds, of bread and of vegetables.² There were never any complaints on the score of quantity or variety, though emigrants sometimes complained of bad water, meat or potatoes.³ But such complaints were not frequent, as a close inspection of the provisions was always made by the Company's officers before the ships sailed.

In addition to the ordinary articles of sustenance, the master had also to provide medical comforts.⁴

As soon as the arrangements for the despatch of a ship were nearing completion, the Directors sent to their agents in the country embarkation orders desiring the emigrants named to present themselves in London on a fixed day. If on their arrival the ship was not yet ready to receive them, they were lodged in the Company's Emigration Depot on shore.⁵

And so preparations went on.

At last all is ready. The ships are lying at Gravesend each with its full complement of emigrants on board. They are all dressed in their best clothes, and special fare is provided for them.⁶ For the Directors, accompanied by various ladies and gentlemen of high social position, are coming down the Thames to inspect the arrangements and to bid the emigrants Godspeed. The scene is gay and animated. Bands are playing, and there is a great display of flags, 'the red cross of England floating supreme above the

¹ 'Regulations for purchasers of land claiming a free passage', dated 5th Dec., 1839. C.O. 208/292.

² 'Tender for the Passage . . . of Steerage Passengers.' C.O. 208/202.

³ Francis Healy to the Directors of the Company, 1st Oct., 1839. C.O. 208/4.

⁴ 'Tender for the Passage . . . of Steerage Passengers.' C.O. 208/292.

⁵ Alston to Ward, 25th Sept., 1839. C.O. 208/171.

⁶ 'That a blouse and hat be provided for the emigrants on board those two ships (the ships conveying the preliminary expedition to Nelson), to be worn on Sunday, the 25th.' Resolution of Land Committee, 19th April, 1841. C.O. 208/186.

rest'.¹ After dinner the emigrants are mustered on deck, and the farewell speeches delivered. The Chairman of the Company praises their hardy pioneer spirit, compares them to the old adventurers that spread the name of England throughout the habitable globe, and paints a glowing picture of the new England they are going to found beyond the seas. A clergyman follows bidding them remember the land they are now leaving for ever, their customs and their faith, and invoking the blessing of Providence on their undertaking. Touching as are the parting scenes, a note of hope is predominant. The evening has already fallen, and the Directors depart in their steam-tug amid the cheers of the emigrants. The same night or the following morning the ships move off to the open sea.

It is difficult for us of the present day, when the whole world is linked by steam and electricity, to understand the halo of romance² that lingered round such an enterprise as the colonisation of New Zealand, an unknown land and remote from the ways of commerce. But all our reports go to prove that such a feeling did exist.

It needed much foresight to make satisfactory arrangements for the long voyage, which generally took place *via* the Cape,³ and the southern coast of Australia,⁴ and occupied about four months.⁵ The Directors insisted that each emigrant should

¹ *Morning Chronicle*, 16th Sept., 1839. The article describes a visit of the Directors to the ships 'Adelaide', 'Aurora' and 'Oriental', about to convey the Company's first colonists to New Zealand. Most of the incidents described in this paragraph are taken from the above article: but the same scenes, though not always on the same scale, were enacted whenever an expedition of any size was despatched.

² When Francis Molesworth, Sir William's younger brother, was about to leave for New Zealand, Mrs. Grote, the clever wife of the historian and radical politician, wrote to his sister: 'I admire Francis's indomitable perseverance; he really resembles the old settlers of New England whom nothing disheartened. . . . Who knows that he may sway the sceptre somewhere in those distant climes yet?' Mrs. Fawcett, *Life of Sir William Molesworth*, p. 166.

³ Sometimes the Cape was avoided, the Company thinking it a very expensive place, and the ships touched instead at Rio de Janeiro. Often they touched at neither port.

⁴ To get the benefit of the westerly winds prevailing in those parts during the emigration season.

⁵ 'Regulations to be observed in the selection of labourers for a free passage', dated 1st July, 1843. C.O. 208/291.

take sufficient clothing, and suitable for extremes both of heat and cold.¹ On board each of their ships they placed a Surgeon Superintendent, who was carefully selected both as to professional qualifications and character, and to whom was entrusted the duty of carrying out the Company's regulations.² Under him there was an Assistant Superintendent appointed from among the married emigrants. The wife of this officer acted as matron. There were besides two or four constables who had to assist the Superintendent 'in the interests of cleanliness and good order'. The sleeping berths were arranged in three divisions: 'for single women, aft; for married persons and children under fourteen, amidships; for single men, forward'. The emigrants were divided into messes, each consisting as nearly as possible of six adults, and each controlled by a headman who was responsible for its order and regularity.³ Each day on board ship was passed according to a pattern laid down by the Company. All the emigrants were out of bed, washed and dressed, by seven o'clock; beds were carried on deck, and the berths properly ventilated; the daily muster took place; and breakfast followed at half-past eight. After breakfast the decks and berths were cleaned (of course, by the emigrants themselves). From eleven till twelve there was school, during which hour, under the direction of a schoolmaster appointed by the Company, 'all emigrants, whether adults or children, who are able to read well, are to be employed in instructing those who cannot read well'.⁴ Then came dinner, and after that another hour of school. From four to six, when tea was served, the emigrants were free to amuse themselves. Children had to be in bed by eight, and all without exception by ten. No one was allowed to sleep on deck.⁵

¹ Male emigrants had to come provided with six shirts, six pairs of stockings, two pairs of shoes, two complete suits of exterior clothing; females with six shirts, two flannel petticoats, six pairs of stockings, two pairs of shoes, two gowns. *Ibid.*

² The Company borrowed much of the organisation here described from the Government emigration authorities, but its agents were as a rule more carefully chosen, and the regulations more strictly carried out.

³ 'Regulations to be observed on board the New Zealand Company's Emigration Ships', dated 23rd June, 1840. C.O. 208/291.

⁴ *Ibid.*

⁵ *Ibid.*

On Sundays, at ten, there was a special muster, and after that, divine service.¹

Gambling was strictly prohibited. Spirits were never supplied on board ship, except in cases of illness, nor was an emigrant allowed to have any in his possession.

On arrival in New Zealand, the Surgeon Superintendent had to report in full to the principal agent on the conduct of each emigrant.²

It is pleasant to linger over this aspect of the service of the Company in the cause of colonisation. To have mitigated the terrors of the long voyage to the Antipodes was no slight achievement. Its conduct of emigration was probably the most useful, as it certainly was the least criticised, part of its work.

Sometimes there were lapses, generally due to causes over which the Company had no control. The master of a ship might not carry out his contract in the spirit in which it was made, and the emigrants suffer much ill-treatment as a result. But here the Directors had the last word, as they always could, and sometimes did, refuse to pay the master, when their agents or Surgeons Superintendent reported unfavourably.³ In a few instances the Company's agents complained that illicit intercourse between men and women had taken place on board the ships.⁴ But even worse evils might visit the vessels. On 13th September, 1842, the ship 'Lloyds', of 402 tons, sailed from the Downs, having on board the wives and children of the labourers of the Nelson preliminary expedition, to the number

¹ 'On every Sunday, at ten, the emigrants are to be mustered in messes, the Superintendent passing along and inspecting them, to see that they are personally clean, and have on clean linen and decent apparel. These regulations are then to be read aloud by the Surgeon Superintendent, and the headman of each mess is to question the members of the mess thereon, in order to ascertain that the regulations are understood.' *Ibid.*

² *Ibid.* He had also to keep a diary giving an account of the events of every day throughout the voyage for the information of the Directors. Most of these diaries are preserved in the Record Office. See C.O. 208/298.

³ This happened in the case of the 'Martha Ridgeway', whose emigrants suffered 'heartless' treatment from the master.

⁴ Arthur Wakefield to William Wakefield, 21st Feb. 1842. C.O. 208/84.

of 211 souls. When the ship reached New Zealand, 58 of the children had died.¹ The Directors instituted a most careful enquiry, and were able to prove conclusively that the mortality had resulted from circumstances for which the Company could not be held responsible, the chief of which were the extreme youth of the children (of the fifty eight that died, twenty-nine were under two years of age, and forty-nine under four), and 'the protracted continuance of bad weather during the early part of the voyage'.² The Land and Emigration Commissioners on their part entirely exonerated the Company. The case was, in truth, an unfortunate exception: a fact which is established beyond dispute by the terms in which Lieutenant Lean, the agent of the Land and Emigration Commissioners, speaks of the Company's emigration arrangements.³

The real reason for the superior efficiency of the Company's as compared with Government emigration is to be found in the great personal interest the Directors took in the success of their undertaking. They were far from being mere figureheads entrusting their work to agents. Agents they had, but their work was strictly supervised.

There was one aspect in which the work of the Company differed from that of other emigration authorities. It was founding new colonies in an unknown land. An additional responsibility thus devolved upon its Directors, namely, that of maintaining the emigrants during the first period after their arrival in New Zealand. 'It was considered necessary', writes their Secretary, 'to provide places of reception in wooden buildings for about one-fourth of the number of emigrants in each ship,⁴ as the number of invalids and women with young children would probably not exceed that proportion'.⁵ Each of the five ships constituting the Company's first expedition

¹ *Report of the Company's Shipping Committee*, dated 17th Feb, 1842. C.O. 208/187.

² *Ibid.* The number of women and children embarked, says the *Report*, was equivalent to only 120 adults, whereas on a former occasion 100 male convicts, 31 soldiers, 1 surgeon, 6 women and 9 children, 246 souls in all, had been conveyed in the same ship.

³ Evidence before the Commons' Committee of 1844. *P.P.* 1844. xiii. p. 259.

⁴ He is referring to the Company's first expedition.

⁵ Ward to Woollcombe, 14th July, 1840. C.O. 208/147.

was estimated to carry 200 passengers, and on each was placed a wooden house to be erected in the colony.¹ The operation was repeated in the case of later colonies. The Company also shipped stores of provisions to New Zealand to help to tide over the period of scarcity which always supervened in new colonies before the land could yield its first crops.²

By 16th November, 1841, the Directors had despatched 6,352 emigrants, of whom 655 were cabin passengers, and the rest steerage.³ After that period they fell on evil days: by 3rd May, 1844, they had only increased their total emigration to 8893 souls, of whom 1,256 were cabin passengers.⁴ The total comprised 4,907 males and 3,986 females. It also included 3,517 children under 14 years of age,⁵ a rather large proportion, showing that the Company had not always held to its regulations.⁶ For a new colony, the proportion of males to females was as correct as could be expected.

Wakefield had a large share in the selection of the leaders of the Company's colonies. If he himself did not accompany the settlers, as he had intended to do in the days of the New Zealand Association, his family took a large share in the enterprise. It so happened that two of his brothers, William and Arthur Wakefield, were out of employment⁷ when the Company's first two colonies were forming, and they became their leaders. William was Gibbon's senior by some years. He was a Colonel in His Majesty's Forces, and had just returned to England after a period of distinguished service in Spain⁸

¹ *Ibid.*

² Ward to Wakefield, 10th Feb. and 18th Dec. 1840. C.O. 208/166. The Company made a goodly profit out of these shipments.

³ *Fourth Report*, dated 16th Nov. 1841. Of the 6,352 emigrants, 3,502 were males and 2,850 females, while 2,571 were children under fifteen years old.

⁴ *P.P.* 1844, xiii. p. 694.

⁵ *Ibid.*

⁶ In June, 1840, Mr. Alston, the Company's Superintendent of Emigration, admitted that he had on his embarkation list a larger proportion of children to adults than the regulations warranted. Yet he was ready to increase that proportion, if deserving families applied. C.O. 208/171.

⁷ Or rather, William was, while Arthur found that he had to wait much too long for promotion in the navy.

⁸ 'The Directors further inform you that the high testimonials to your character, abilities and conduct, by the most distinguished officers

Arthur, a younger brother, had served with distinction in the Royal Navy, in which he had attained to the rank of Captain. William became the Company's principal agent, and was stationed at its first 'and principal settlement'. He received very wide discretionary powers. Arthur became the resident agent at Nelson, with powers subordinate only to those of his brother. Not content with this, the family tried to persuade the youngest brother, Felix, who at this time was a private surveyor in Van Diemen's Land, to go to New Zealand.¹ All this looked very much like nepotism. But the two brothers fully justified their appointments. Arthur was not destined long to display his talents,² but during the two years in which he administered the affairs of Nelson, he endeared himself to all the colonists.³ William served the Company long and faithfully. His position was to become a very difficult one, between the dissatisfied settlers on the one hand and the Company on the other. But he stuck to his post through good and evil report. When he died in the colony, in September, 1848, Governor Grey wrote of him in the following terms :

During the last three years I have been in constant communication with Colonel Wakefield . . . , and have found not only that he possessed abilities of a very high order, but that his whole attention and thoughts were devoted to the single subject of the advancement of the interests of this country.⁴

in the service of Her Majesty, and of the Queens of Portugal and Spain, particularly as to your tact in controlling and reducing to order undisciplined masses of men, your coolness and self-reliance, and quick resources in such sudden emergencies, your singular humanity towards the peasantry of the countries in which you have served, and your talents for negotiation and the business of civil life, as well as your knowledge of the scientific principles of colonization, and your zeal in this enterprize' have led them unanimously to offer you the leadership of their preliminary expedition. Evans to Colonel Wakefield, 20th March, 1839. C.O. 208/147.

¹ Arthur Wakefield to his sister, Mrs. Torlesse, 15th Feb. 1841. B.M.MS. Add. 35,261. Felix did go to New Zealand ultimately, and in 1849 wrote a valuable report for the Company on colonial surveying. C.O. 208,298.

² He was the chief victim of the Wairau Massacre of 1843.

³ 'Arthur's steadiness and uniformity of temper with unwearied attention to his hobby have gained him universal goodwill.' Colonel Wakefield to Mrs. Torlesse, 3rd June, 1842. B.M.MS. Add. 35,261.

⁴ Governor Grey to Earl Grey, 9th Oct. 1848. P.P. 1849, xxxv. p. 139.

Early in 1840, when the plan of a second colony was forming in his mind, Wakefield had thought of Sir William Molesworth as a probable leader. He wrote two letters to Molesworth¹ in which he made the fullest use of his unrivalled powers of persuasion. The first letter especially is noteworthy. Having mentioned E. Duppa and his brother Arthur as being among the projectors of the colony, Wakefield continues :

Some other persons of the best kind are joining in this enterprise. New Zealand is the best field, the physical geography of the country pointing out the expediency of forming many separate settlements. There you would plant the settlement of Molesworth, leading out some thousands of people, and arrange its municipal government. Then as a member of the General Council of Government for the Island you would give the tone and character to general legislation. You would be more than Governor. . . . But the planting, the formation of society with your own hand, is the charm in my estimation, and if I possessed the power which you do of getting a great tail to follow me, I would see useless Leeds and slothful Pencarrow² to the devil and do this thing in great style. . . . You might command the Company to every sort of co-operation. So many would join you that this should be by far the greatest colonising enterprise of this day or any day. And say you gave seven years to it ; then though weeds might grow in the garden at Pencarrow, and somebody else would accomplish *nothing* as member for Leeds, you would have made your mark on the face of the world, and for what else is it worth while to live when one has got to be thirty ?³

Wakefield must have known that Molesworth with his fastidious tastes was hardly the man to brave the rough life of a new colony. And the latter, suspecting that his not over-scrupulous friend had something up his sleeve, repelled the overtures.⁴

¹ Dated 4th Jan. and 8th Jan. 1840, and quoted in Mrs. Fawcett's *Life of Sir William Molesworth*, pp. 169-175.

² Leeds was Molesworth's constituency and Pencarrow his home.

³ Wakefield to Molesworth, 4th Jan. 1840.

⁴ His reasons are interesting, and at the same time show what he, and many others, thought of Wakefield. ' I do not feel that either my *health* or *character* qualify me to be the *popular* leader of an expedition. I do not see what position I should hold, or what I should have to do. . . . My first use would be, in this country as a great *decoy duck* to tempt emigrants ; secondly, in the colony as a sort of *pigeon* whom everyone will feel he has a right to pluck. . . . Besides this there is too great an

The first three years of the Company's existence constitute by far its most flourishing and fruitful period.

In the first place, its financial position was sound. Enjoying the confidence of the public the Directors had found it easy to raise the £100,000 capital with which they set out, as well as the additional £100,000 that was required by the charter of 1841. Appended to the *Third Report* there is an interesting table of their receipts and payments from 2nd May, 1839, to 6th April, 1841. It deserves to be quoted in full, since it not only describes the Company's finances accurately, but gives some idea of the expense of colonisation according to the Wakefield system :

Receipts.

Subscribed capital	-	-	-	-	-	£100,000	0	0
Land sold	-	-	-	-	-	188,040	0	0
Interest on cash invested, etc.	-	-	-	-	-	4,738	17	1
Passage money and freight	-	-	-	-	-	4,618	15	6
Deposit for land in the second settlement	-	-	-	-	-	8,850	0	0
							<hr/>	
							£306,247	12 7

Payments.

For land in New Zealand, provisions and stores shipped for the colony, passage of emigrants and expenses incidental thereto, including home and colonial expenditure	£100,080 7 5							
Dividends to proprietors	-	-	-	-	-	3,352	10	0
Investments	-	-	-	-	-	121,142	9	4
Cash in hands of petty cashier	-	-	-	-	-	7	10	3
„ „ bankers	-	-	-	-	-	12,664	15	7
							<hr/>	
							£306,247	12 7

The last four items under 'payments' constitute the Company's profits for two years—£140,000 on a capital of £100,000.¹ By 1st October, 1841, its net profits had risen to £170,000.² At the end of their first year of operation the inclination on the part of Wakefield for stage effects, and too much will depend on them to satisfy me; for my feelings are revolted by such a course of proceeding. And, lastly, I can't put reliance on Wakefield, because he has too many projects afloat.' Molesworth to Woolcombe (undated). Quoted by Mrs. Fawcett, *op. cit.* pp. 176-177.

¹ Appendix to the *Third Report*, dated 1st May, 1841.

² *Fourth Report*, dated 16th Nov. 1841.

Directors announced that they were not yet ready to declare a dividend,¹ but on 15th September, 1840, they declared a dividend of 5 per cent. on their capital stock.² In May, 1841, that dividend was increased to 10 per cent. and was made retrospective.³ Ten per cent. continued to be paid till 1st April, 1842,⁴ after which date there was a sudden drop to 5 per cent.⁵

A very large proportion of the Company's funds went to defray the cost of emigration. On the 27th June, 1844, out of a total expenditure of £526,140, the 'emigration' item accounted for £204,550.⁶ For this expenditure the Company was compensated by the Government in land. But while most of this land had merely a prospective value, the claims that devolved on the Company were immediate. This was in truth the great weakness of its position. As a result of the arrangement with Lord John Russell it claimed 884,548 acres in New Zealand. That immense tract of country had, however, no immediate market value. The outcome was that after the initial period of prosperity during which its land orders were readily taken up, there always lurked, behind the splendid façade of a large landed property in the fertile lands of New Zealand, the mean cares of a want of cash.⁷

The Company has often been accused of sacrificing the interests of its settlers to the lure of a large dividend. A study of its activities during the years 1839 to 1842 does not bear out this accusation. It is true that the Directors never lost sight of the interests of their shareholders. But that does not mean that they neglected the interests of their colonists. Rather, they conceived the two to be identical. Nothing is more characteristic of the spokesmen of the Company than their ability to take long views.⁸ Their shareholders are continually

¹ *First Report*, dated 14th May, 1840.

² *Second Report*.

³ *Third Report*.

⁴ *Fourth Report*.

⁵ *Sixth Report*, dated 10th Oct. 1842.

⁶ *P.P.* 1844, xiii. p. 681.

⁷ In May, 1843, the Company's books showed a cash deficit of £30,650. *Report of a Special Committee*, dated 22nd May, 1843. C.O. 208/186.

⁸ One example, out of many, of this attitude of mind may be cited. The Company had advanced £300 to Messrs. Cooper & Elliott for establishing a press at Nelson. They instructed their agent not to harass those gentlemen for an early repayment of the loan, 'the grand object

urged not to expect large immediate returns.¹ At the time of the arrangement with Lord John Russell their Secretary wrote to Colonel Wakefield that the Directors might now either sell out and hand over the profits to the shareholders, or continue their operations without investing an additional penny of their capital. They had determined to adopt neither course, but to invest more capital and strengthen their colonising efforts in the interests both of their shareholders and their colonists.²

In the year 1841 the Company touched the zenith of its prosperity. Between 1st May and 16th November it despatched seventeen ships with a total displacement of over 9,000 tons, almost equalling the total of the previous twenty-four months.³ So rosy were the prospects, that the Directors felt justified in using their funds for more expensive purposes than the mere furtherance of emigration and surveys.⁴ Two projects especially appealed to them. The first was the establishment of a regular steam-packet communication between Port Nicholson and the west coast of America (Panama or Peru) to meet the line of steam-packets to be established 'next autumn' between England and the Pacific by way of Panama. The length of the voyage would be reduced to seventy days, and New Zealand would thus become the nearest instead of the most distant of the Australasian colonies.⁵ Secondly, a college in England was suggested for training the younger sons of gentlemen of property in the practice of colonisation.⁶ Both plans fell through when the period of decline set in.

But much had been accomplished. A Special Committee reported, in phrases that betray the hand of Wakefield :

In the course of little more than three years you have founded at a distance of 16,000 miles, three distinct settlements, whose being to establish, if possible, a respectable and efficient local press, with fair security for the reimbursement of the Company's advance'. Dillon-Bell to Arthur Wakefield, 23rd Sept. 1841. C.O. 208.163.

¹ *Report of a Special Committee*, dated 22nd May, 1843. C.O. 208.186.

² Dillon-Bell to William Wakefield, 26th April, 1841. C.O. 208.166.

³ *Fourth Report*.

⁴ Dillon-Bell to William Wakefield, 26th April, 1841. C.O. 208.166.

⁵ *Ibid.* 'In these days we are not to be startled at any proposal for saving space and time by means of steam navigation.'

⁶ *Ibid.*

plantation and progress have been uninterrupted by any disaster of consequence and without any of the settlers having suffered serious privations. These new communities give every reasonable promise of solid and lasting prosperity, and their combined population cannot at this time be less than 10,000 souls. It is most gratifying to reflect on the character of these rising communities in point of social maturity. The tone of society in the Company's settlements is more elevated than that of any place in the Australian colonies, and they will soon be inferior to none in respect of their social institutions, and the comforts and conveniences of modern civilization; the amplest provision has been made to give the towns all the benefits and securities of municipal government; they are furnished with banks, with churches, with schools and markets, with newspapers; they are abundantly supplied with live stock: cattle, sheep and pigs are at reasonable prices, and none of the necessities of life have ever been very dear.¹

The picture, if one allows for rhetorical exaggerations, gives an accurate representation of the facts.

Whether the Company would continue the work it had so auspiciously begun would depend to an appreciable extent on the attitude of the Colonial Office. Its Directors stood in a peculiar relation towards the Government. Being its agents in the colonisation of New Zealand, they were particularly dependent on its support. When, therefore, Stephen argued² that the New Zealand Company stood in exactly the same position as the land companies of Canada, Van Diemen's Land and New South Wales³ (which were not engaged in systematic

¹ *Report of a Special Committee*, dated 22nd May, 1843. C.O. 208/186.

² *Memorandum*, dated 15th Dec. 1841. C.O. 209/11.

³ 'These large estates' (acquired by the Van Diemen's Land and Australian agricultural companies) 'could not be said to have had any influence, good or ill, on the progress of the colony during a decade or two after they had been granted, but in later years they were found to impede settlement, and restrict the natural development of the districts in which they were situated'. T. A. Coghlan, *Labour and Industry in Australia* (Oxford, 1918), vol. i. p. 231. The two principal Canadian companies, the Canada Company and the British American Land Company, which operated respectively in Upper Canada and in the eastern townships of Lower Canada, were more successful than their Australian contemporaries. See Charles Buller's *Report on Public Lands*: Appendix B to *Lord Durham's Report*, C.P. Lucas' edition, vol. iii. p. 55. See also vol. i. pp. 169-172.

colonisation, and administered no emigration fund), and should like them be treated as a purely commercial body, he was misconstruing the situation. And such a misconception, whether wilful or otherwise, in a man of Stephen's position, augured ill for the prospects of the Company and of the cause of colonisation. For, whatever may be thought of the land policy of its Directors, it must be conceded that in laying the foundations of their colonies they had done much to mitigate the hardships inevitably entailed in the settlement of a new country.

V

THE ANNEXATION

THE islands of the New Zealand group would certainly have been annexed by a European power and colonised long before 1839, had it not been for their remote position in the Pacific and for the fears inspired by their inhabitants. They were discovered by the Dutch navigator Tasman in 1642, but no other European sailor had visited their inhospitable shores until the arrival of Captain Cook in 1769. With the sole exception of Darwin every traveller who visited New Zealand in those early days brought back glowing accounts of the salubrity of its climate and the beauty of its scenery—accounts corroborated a thousand times since. New Zealand, as the Dutch Government called the land that Tasman discovered, has been recognised by everyone to be a strangely inappropriate name for a country as unlike the flat and low-lying Zeeland archipelago as possible. Rather, as a French observer¹ has remarked:

Ses côtes rocheuses, généralement élevées, d'où l'on aperçoit souvent des sommets couverts de neige, les baies profondes et sinueuses qui pénètrent au loin dans les terres, les arbres toujours verts qui ombragent les pentes des collines ou des montagnes du littoral partout où un peu de terre recouvre le rocher, rappellent au nord, les contrées méditerranéennes; au sud, l'Écosse ou la Norvège.

Both the islands are mountainous: it has been calculated that one-tenth of the north and three-fourths of the South Island consist of mountains. In one of his despatches Sir George

¹ Pierre Leroy-Beaulieu, *Les Nouvelles Sociétés Anglo-Saxonnes* (Paris, 1901), p. 2.

Grey gave the following description of the geographical conditions of the islands :

The centre of that [the North] island is occupied by a mountain range, the highest point of which is probably about 10,000 feet above the level of the sea, and is covered with perpetual snow, having as one of its peaks a volcano of boiling water that feeds two nearly continuous chains of boiling springs running from the mountain range to the north-east of the island. The central mountain range throws off also spurs or ridges of very difficult and mountainous country in various directions to the coast, the valleys between which ridges, generally mere gorges at the hills, become fertile and extensive plains near the coast, and form the channels of the Thames, the Waikato, the Mokau, the Wanganui, the Rangitikei, and other minor streams. These subsidiary mountain ridges or spurs thrown off from the main range, are, for the most part, where roads have not been constructed across them, impassable even for horses ; so that no overland communication, except for foot passengers, can be considered as yet existing between the several principal settlements. . . .

The middle island may be said to be traversed by a mountain range, which, commencing at its north-eastern extremity, where it almost abuts on the coast, runs in nearly an east and west line across the country to the west coast, along which coast it continues uninterruptedly, but increasing in elevation until it reaches the south-western corner of the island. To the westward this range falls abruptly into the sea, having, generally, but a narrow strip of fertile land between its base and the sea coast, whilst, although it falls in the same abrupt manner on its eastern side, fertile plains of immense extent intervene on that side between the base of the mountain range and the sea.¹

At many points along the coasts of both islands there are excellent harbours. Altogether, although it was the last country to be colonised by Britain, it is difficult to think of any part of the world more suitable for European settlement than New Zealand.

If the fair lands of New Zealand had been uninhabited or only sparsely populated by nomadic tribes, as was the case in the Australian colonies, the problem of colonisation would have been comparatively simple. But unfortunately for them, the whites, when they set foot in New Zealand, found there a strong native population who had anticipated them by some

¹ Governor Grey to Earl Grey, 30th Aug. 1851. *P.P.* 1852, xxxv. pp. 43-4.

centuries.¹ This, however, is only true of the North Island, which is said to have had over 100,000 Maori inhabitants in 1839.² In the South Island there were only the straggling remnants of once powerful tribes, totalling no more than five thousand souls. This island was thus the part of New Zealand marked out for European colonisation. But other circumstances intervened and drew the stream of colonisation northwards, to the misfortune of whites and natives alike.³

The Maoris were primarily an agricultural people, though those of the interior eked out the sustenance drawn from the earth by the spoils of rat-hunting (rats, lizards and birds being the only 'game' which their country produced), while the inhabitants of the coast lived largely on fish. The staple product of their 'cultivations' was the sweet potato. Intensive agriculture was unknown, and they thus required far more land for carrying on their operations than Europeans.⁴

They were a warlike people. Judge Maning, who lived among the Maoris for many years, and published a penetrating and amusing study of their habits, ascribes their military character to the struggle they had to carry on 'against necessity in all its forms'.⁵ Since they were without the use of iron, the most trifling tool or utensil acquired an enormous value, and the temptation to thieve was proportionately increased. The separate tribes had, therefore, to be continually ready to defend their possessions, and 'every man, as a natural consequence, became a soldier'.⁶

From this state of things regular warfare arose, as a matter of course; the military art was studied as a science and brought to great perfection as applied to the arms used; and a marked military character was given to the people.⁷

¹ The Maoris probably came to New Zealand in the fourteenth century. G. W. Rusden, *History of New Zealand* (London, 1893), vol. i, ch. i.

² Other authorities give a much smaller figure. Sir William Fox, for example, basing his calculation upon a census taken in the Company's settlements some years after the foundation of Wellington, puts the total number of Maoris in New Zealand in 1839 at no more than 70,000. *The Six Colonies of New Zealand* (London, 1851), p. 52.

³ See below, p. 89.

⁴ Rusden, *op. cit.* vol. i, chapter i.

⁵ *Old New Zealand* (London, 1887), chapter vi.

⁶ *Ibid.*

⁷ *Ibid.*

As long as the New Zealanders fought with spears and clubs, their wars, although giving to warriors frequent opportunities for the display of a prowess worthy of the heroes of the *Iliad*, were not very destructive. But when in 1820 the chief Hongi¹ who lived in the north of the North Island fell upon his southern neighbours, overcame them, and exterminated or enslaved those that could not escape. The fugitives, having acquired guns from the traders and pirates, who by this time were beginning to frequent the coasts of New Zealand, in their turn attacked the tribes bordering on them. Thus it came about that the chief Raurapaha and his 'general' Rangiaecata were driven from Kawhia, fell upon and vanquished the tribes on both sides of Cook's Strait, and finally settled on the island of Kapiti, whence they dominated the surrounding territories.² Both the Company's settlers and successive Governors of New Zealand were destined to come into painful contact with these invaders.

During these years, which immediately preceded the coming of the English settlers, the Maoris acquired much proficiency in the use of muskets and in the construction of forts as a defence against them. They were thus well able to defend themselves against 'aggression' from the weak European communities that were being established on their shores, and the fears of the Home and Colonial authorities, reiterated again and again during the first years of the settlement of the country, that the Maoris would be 'exterminated' by the Europeans were, to say the least, groundless.³

But in spite of their strength in battle, there can be no doubt that for some time before the advent of the colonists the Maori race had been on the decline. Their numbers were rapidly decreasing. Maning found unmistakable proof of this in the size of the old hill-forts, in the ditches intended to drain lands that had long gone out of cultivation, and in the numerous

¹ This chief is sometimes called, somewhat grandiloquently, the Napoleon of New Zealand.

² Colonel W. Wakefield's *Journal*, 14th Oct. 1839. C.O. 208,307.

³ See Normanby to Hobson, 14th Aug. 1839.

large pits formerly used for storing the *kumera* ¹ and still in perfect preservation.² The story of the sufferings of the natives when brought into contact with the advance guard of European civilisation is poignantly told by Maning. He considered the grand cause of the decrease of the Maoris since the coming of the first Europeans to have been the musket. Formerly, he wrote, they occupied the healthy hill-tops. Their work was not excessive, but regular, and idleness was not tolerated. They would either descend to the plains every morning to work on their cultivations, or when the crops were ripening

the whole tribe would remove to some fortified hill, at the side of some river, or on the coast where they would pass months fishing, making nets, clubs, spears, and implements of various descriptions.³

But the musket put an end to this healthy life.

When the natives became generally armed with the musket they at once abandoned the hills, and, to save themselves the great labour and inconvenience occasioned by the necessity of continually carrying provisions, fuel, and water to these precipitous hill-castles . . . descended to the lowlands, and there, in the centre of the cultivations, erected a new kind of fortification adapted to the capabilities of the new weapon. This was their destruction. There, in mere swamps, they built their oven-like houses, where the water even in summer sprang from the pressure of the foot, and where in winter the houses were often completely flooded. There, lying on the spongy soil, on beds of rushes, which rotted under them—in little, low dens of houses, or kennels, heated like ovens at night and dripping with damp in the day—full of noxious exhalations from the damp soil, and impossible to ventilate, they were cut off by disease in a manner absolutely frightful. No advice would they take; they could not see the enemy which killed them, and therefore could not believe the Europeans who pointed out the cause of their destruction.⁴

Further, the acquisition of guns involved overwork, and often actual starvation: a ton of cleaned flax (the preparation of which necessitated a stupendous amount of labour) was paid for two muskets, and another half-ton for ammunition.⁵

¹ The Maori name for the sweet potato.

² *Old New Zealand*, pp. 200-204.

³ *Ibid.* p. 207.

⁴ *Ibid.* p. 209.

⁵ *Ibid.* pp. 211-212.

This continual excitement, over-work, and insufficient food, exposure, and unhealthy places of residence, together with a general breaking up of the old habits of life, thinned their numbers.¹

There was, therefore, something to be said for the contention of the New Zealand Association that the evils which were destroying the natives might be redressed by systematic colonisation involving, as it naturally would, government by Europeans:² their state could hardly become worse.

Missionaries had laboured in New Zealand since 1814, when the Rev. Samuel Marsden sailed from New South Wales to establish the first mission of the Church Missionary Society. The Wesleyans followed in 1822, and the Roman Catholics in 1838.³ There seems to have been a tacit understanding between the Church and the Wesleyan Missionary Societies that the former should evangelise the eastern and the latter the western portion of the North Island.⁴ Both the Bay of Islands, where before 1839 the majority of the Europeans were settled, and Auckland, where the first Governor was to fix his capital, in this way fell within the sphere of influence of the Church Missionary Society, and it is with their missionaries that we shall be chiefly concerned, since their activities touched the political and economic organisation of New Zealand at many points. They were by far the strongest mission in New Zealand. In 1837 they had ten stations at which were engaged 35 missionaries, teachers and mechanics: there were 1,431 scholars in their schools, and their congregations totalled 2,476.⁵ Further, while neither the Wesleyan nor the Roman Catholic missionaries were allowed to hold land, the Church Missionary Society permitted their missionaries to buy land for their children and gave them a special allowance for that

¹ *Ibid.* p. 213.

² Though the actual scheme they put forward was impracticable. (See chapter iii.).

³ See the *Evidence* of Messrs. Coates and Beecham before the Lords' Committee of 1837 on New Zealand. P.P. 1837-8, xxi.

⁴ E. J. Wakefield, *Adventure in New Zealand* (edited by Sir R. Stout, London, 1908), p. 141.

⁵ Mr. Coates's *Evidence* before the Lords' Committee of 1837. P.P. 1837-8, xxi.

purpose.¹ The men sent out in the early years of the mission were often mechanics and rarely men of education, and the temptation of acquiring large estates for themselves and their families while land could be had almost for nothing was great. A number of them succumbed, and their large claims created a problem that was destined to be a fertile source of trouble for Land Commissioners and Governors.

Even in these early years voices were raised in protest against missionary land-holding. Some of the witnesses before the Lords' Committee of 1837, men who had actually lived in New Zealand, thought that the large holdings of some of the missionaries militated against their efficiency.² In 1840 *The Times* alleged that there must be some truth in the many reports of missionary 'land-sharking' in New Zealand,³ and later in the same year quoted, with evident approval, large extracts from the Rev. Dr. J. D. Lang's *New Zealand in 1839*, in which the author comments very severely on the condition of the New Zealand Mission.⁴ The policy of sending out mechanics as missionaries, he wrote, had failed completely: the only person among them whom the Maori honoured was the missionary blacksmith who repaired his musket. He had made a record of New Zealand missionaries up to 1824, and the amount of moral worthlessness and inefficiency it presented could not be paralleled since the Reformation. The first head of the Mission had been dismissed for adultery; the second for drunkenness; and the third 'for a crime still more enormous than either'. He admitted that of late years there had been some improvement in the Mission, though 'there is still a most flagrant abuse tolerated and practised by the great majority of its members.'⁵

That these accusations, though greatly exaggerated, were not wholly without foundation is shown by the letters of the

¹ The allowance was £50 for male and £40 for female children when they reached the age of 15. *Statement of the Committee of the Church Missionary Society relative to the New Zealand Mission*, dated 20th Nov. 1839. C.O. 209/8.

² See the *Evidence* of Mr. John Flatt and Mr. J. S. Pollack before the Committee. P.P. 1837-8, xxi.

³ 5th Sept. 1840.

⁴ 7th Oct. 1840,

⁵ *New Zealand in 1839* (London, 1839), pp. 28-32.

Rev. Octavius Hadfield, a man who was universally beloved and respected in New Zealand and who afterwards became a Bishop.¹ He complained of the 'extensive purchases' that were apparently sanctioned by the Home Committee, and of 'a worldly spirit among our . . . people', so that 'the very name of a New Zealand Missionary is in these parts treated with opprobrium and contempt'.² The Parent Committee was at length forced to take action, and in March, 1840, they forbade their missionaries to purchase land with their private means.³ The prohibition was, however, limited in its scope: it did not refer to the purchase of lands for children, nor did it act retrospectively.

The policy that allowed missionaries to hold land, provided their holdings were strictly circumscribed, cannot be lightly condemned. Before 1839 there was not much trade to New Zealand in foodstuffs: the Church Missionary Society thus paid its missionaries partly in kind, and it was only natural that the missionaries should be allowed to support themselves and their families from the land.⁴ It was also natural, when adventurers began to arrive in the North Island and found some of the best lands in the possession of the missionaries, who could easily acquire as much as they wanted through their hold on the native mind, that they would not look very favourably on these landowners.

The missionaries paved the way for colonisation in the northern part of the North Island. 'When the Mission was projected by the late Rev. S. Marsden,' wrote the Secretaries of the Committee of the Church Missionary Society, 'he states that he waited for more than three years, since no master of a vessel would venture [to New Zealand] for fear of his ship and crew falling a sacrifice to the natives'.⁵ Thanks to the missionaries, conditions had greatly changed since that time.

¹ He arrived at New Zealand in 1839, and laboured for many years in the district immediately north of Cook's Strait.

² Hadfield to Coates, 11th Oct. 1839. Papers of the C.M.S. relative to New Zealand, No. 48.

³ *Further Statement* by the Committee of the C.M.S. dated 31st March, 1840. C.O. 209/8.

⁴ The system of payments in kind was abolished in March, 1840. *Ibid.*

⁵ *Statement* of the C.M.S. dated 20th Nov. 1839. C.O. 209/8.

The native character had been softened and they had learned to tolerate Europeans. Where the missionaries laboured wars had become much less frequent. As a result, other Europeans, though unfortunately of a less desirable type, were settling in the northern part of the island. The most valuable colonists, however, were the children of the missionaries who in 1837 numbered over one hundred souls.¹

As they had already drawn the traders, so the missionaries eventually drew the Government to their part of the North Island. And when once the Government was located among them, they contrived for a few years to exercise a predominant and disastrous influence over it.

The other Europeans who, with the missionaries, may be considered the forerunners of colonisation were scattered throughout the islands in the exercise of various trades and occupations. The largest number were congregated in the village of Kororareka, situated in the Bay of Islands. Kororareka was by far the largest trading port in New Zealand before 1840, and the trade it did was by no means negligible. Not only trading vessels, but the ships of all nations engaged in the South Sea whaling industry came to the Bay of Islands for purposes of victualling or refitting.² The population of Kororareka thus consisted chiefly of traders and retailers, the most numerous members of the latter class being the keepers of grog-shops. The character of the inhabitants did not bear close scrutiny: many of them were runaway sailors or escaped convicts whom the British Resident with his feeble authority did not venture to touch.³ Other adventurers went further afield, and settling in the midst of the large tracts of land they had acquired, generally at the paltry cost of a few guns and a quantity of ammunition, became the 'old settlers' with whom the Government was soon to come into collision.⁴ Others,

¹ *Evidence* of Mr. John Platt before the Lords' Committee on New Zealand. *P.P.* 1837-8, xxi.

² During the year 1836 one hundred and fifty-one ships visited the Bay of Islands, of which 93 were British or colonial and the rest foreign. Bourke to Glenelg, 9th Sept. 1837 (Encl. B). *P.P.* 1837-8, xl. p. 213.

³ Stephen to Backhouse, 4th Dec. 1838. *P.P.* 1840, xxxiii. p. 589.

⁴ *Evidence* of Mr. John Watkins before the Lords' Committee of New Zealand. *P.P.* 1837-8, xxi.

still more venturesome and generally more criminal, went to live among the Maoris, and got themselves drafted into their tribes as *Pakeha* Maoris;¹ of whom the classical example is F. E. Maning, and his book the epic of their life and adventures. Lastly, there were numerous small whaling communities scattered along Cook's Strait and the coast of the South Island. They had generally been sent out by Sydney capitalists, and were engaged in the shore, as opposed to the deep sea industry, their duty being to hunt the whales as they came shoreward to calve.² The men generally had Maori wives and their offspring was a source of admiration to travelers.³ E. J. Wakefield⁴ in his book called *Adventure in New Zealand* has given a vivid description of these mixed communities, of their organisation, their quarrels with one another, their life on shore when the whaling season was over, and the fascination of a whale hunt.⁵ But the whalers, as a class, hardly touched the life of the regular colonists: they lingered on for some time after 1840, their occupation diminishing with the disappearance of their game from the shores of New Zealand, and were gradually absorbed into the agricultural population.

The position of Great Britain with regard to New Zealand before its final annexation in 1840 was a very anomalous one. In the year 1769 Captain Cook, acting under a Royal Commission, took possession of the islands in the name of George III. This annexation was apparently recognised in various legal instruments issued since that date. In 1787 a Royal Commission was granted to Captain Philip appointing him 'Captain-General and Governor-in-Chief in and over the territory of

¹ *Ibid.*

² E. J. Wakefield, *Adventure in New Zealand* (edited by Sir R. Stout, Christchurch, N.Z. 1908), part i. chap. iii.

³ *Ibid.*

⁴ E. J. Wakefield was the only son of Gibbon Wakefield. He came to New Zealand in 1830 on board the 'Tory', which conveyed the Company's preliminary expedition.

⁵ Chapter xi. In 1793 whaling ships of different nations first began to touch on the coasts of New Zealand. The year 1827 saw the establishment of whaling settlements on shore. After 1840 the trade of supplying whalers and buying their oil passed from the hands of Sydney men into those of Wellington merchants. Altogether in 1844 there were 68 boats engaged in the whaling industry employing about 650 men. *Ibid.*

New South Wales and its Dependencies' which, from the latitudes given, were clearly meant to include New Zealand.¹ In 1814 New Zealand was definitely, by public proclamation, declared to be a dependency of New South Wales, and Governor Macquarie appointed Justices of the Peace to act there by regular commission of *dedimus potestatem*.²

But in 1817 was enacted the first of a series of measures that entirely changed the position. Three distinct enactments dealing with the punishment of certain offences 'committed in places not within His Majesty's Dominions' mention, among other territories, New Zealand.³ In answer to a letter transmitted to Lord Goderich by thirteen New Zealand chiefs who asked for the protection of the British Crown 'against the neighbouring tribes, and against British subjects residing in the islands', a British Resident was despatched to New Zealand in 1832 bearing a letter to the native chiefs 'in which the King was made to address them as an independent people', and the instructions which he received from Governor Darling mentioned New Zealand as a foreign country, and Mr. Busby (the Resident) himself as being accredited to the chiefs.⁴ As if to make assurance doubly sure, the native chiefs were persuaded, in 1834, to choose their own flag,⁵ and, in 1835, to issue in the approved style a Declaration of Independence, creating the 'Confederated Tribes of New Zealand'.⁶

Within four years the British Government found itself forced once again to alter the policy with regard to New Zealand. The mission of Mr. Busby proved an entire failure. He was sent to New Zealand 'partly to protect British commerce, and partly to repress the outrages of British subjects

¹ Backhouse to Stephen, 15th Nov. 1839 (Encl.). *P.P.* 1840, xxxiii. pp. 652-4.

² *Ibid.*

³ 57 George III. cap. 53; 4 George IV. cap. 96, sec. 3; 9 George IV. cap. 83, sec. 4.

⁴ Stephen to Backhouse, 18th March, 1840 (Encl.). *P.P.* 1840, xxxiii. pp. 654-5.

⁵ *Ibid.*

⁶ Stephen to Backhouse, 12th Dec. 1838. *P.P.* 1840, xxxiii. p. 589. The chiefs concerned were, of course, only those who inhabited the districts adjacent to the Bay of Islands.

on the natives ;¹ but before he could arrest an offender he had to send witnesses to New South Wales and obtain an injunction from its courts.² Furthermore, even if he did obtain his injunction, he would have to rely on his influence with the native chiefs to procure the arrest of offenders, since he had no force at his disposal.³ But the influence of the missionaries was superior to Busby's, and the missionaries were not his friends. Thus crime went on unchecked, save for such restraining influence as the voluntary Association of Order at Kororareka might have had,⁴ and things ultimately reached such a pass that all the white settlers round the Bay of Islands, including the missionaries, appealed to the British Government to intervene and establish a recognised authority.

But another Government was by this time turning its attention to New Zealand. Great Britain having repudiated any claims she might have to the islands by right of discovery, the French Government began, in 1838, to consider the question of extending its influence to that part of the world.⁵ But at this time it was contemplating neither the colonisation nor the annexation of New Zealand. Its only object seems to have been to acquire 'un point de relâche assuré' for French ships of war and a position that would be favourable to French commerce in the future. For this purpose, thought the Minister of Marine, it might be advantageous to enter into an agreement with the Baron de Thierry,⁶ the 'possesseur en chef

¹ Stephen to Backhouse, 18th March, 1840 (Encl.). *P.P.* 1840, xxxiii. pp. 654-5.

² Stephen to Backhouse, 12th Dec. 1838 (Encl. 11). *P.P.* 1840, xxxiii. p. 591.

³ Bourke to Glenelg, 9th Sept. 1837 (Encl. C). *P.P.* 1837-S, xl. p. 218.

⁴ The Kororareka Association drew up a set of fifteen rules dealing chiefly with the punishment of offences. Slight offences were punished by fine, greater by expulsion, and the greatest by expulsion preceded by tarring and feathering.

⁵ New Zealand was not unknown to the French Ministry of Marine. Since the time of De Surville's first visit in 1769, French warships had, at intervals, visited New Zealand, and elaborate accounts of some of these expeditions had been published by the French Government. For some years before 1839 one or two French men-of-war had been stationed in New Zealand waters to protect whaling ships.

⁶ The Baron de Thierry was the most picturesque of the many adventurers who visited New Zealand before 1839. Though of French

d'un établissement naissant sur cette grand île',¹ since he promised to be well disposed toward French interests, provided he obtained 'l'appui moral et matériel de la France, avec la reconnaissance de son titre de chef souverain de Hokianga'.² A year elapsed, during which nothing tangible was done, though the views of the Ministry of Marine underwent considerable developments. The conclusion to which the Ministry was forced during that year is embodied in a very able memorandum which was evidently intended for the consideration of the cabinet.³ The writer begins by saying that it is unnecessary to expatiate on the advantages that would accrue to France from the possession of the three islands of New Zealand. England, although she possesses so many colonies, is continually trying to augment their number. The resources of New Holland have only begun to be developed, and already she is laying the foundations of a new colony in the North Island of New Zealand. It is too late to think of dislodging the English from that island.⁴ As for the Baron de Thierry,

il ne peut offrir que des terres à vendre, et s'il y a quelque chose pour des Français, ce qui est encore douteux, il n'a rien pour la France,

parentage he was educated at Cambridge, where in 1820, through the instrumentality of the missionary Kendall, he met the chief Hongi and from him purchased 40,000 acres of land for 36 axes. In 1838 he arrived in New Zealand with 60 men, 'the majority of a very infamous description', claiming for himself the title of 'Sovereign Chief of New Zealand'. Mr. Busby, the British Resident, entered into a long correspondence with him, but Sir George Gipps, the Governor of New South Wales, and the Colonial Office laughed at his claims. The New Zealand chiefs did likewise, with the result that the Baron and his family soon found themselves deserted by their 60 'subjects', and were reduced to desperate straits. De Thierry ended his career as a teacher of music at Auckland. See Mr. Tawell's *Evidence* before the Lords' Committee on New Zealand. *P.P.* 1837-8, xxi.; also Gipps's and Busby's despatches in C.O. 209/4.

¹ *i.e.* the North Island.

² Le Ministre de la Marine, etc., à M. le Président du Conseil, Ministre des Affaires Étrangères, 13th Sept. 1838; Marine et Colonies, B.B./4/1010. (French Archives.)

³ 'Note sur la colonisation de l'île du Sud de la Nouvelle Zélande', dated 15th Aug. 1839. Marine et Colonies, B.B./4/1010. (French Archives.)

⁴ At this moment 'une puissante société', under the presidency of Lord Durham, is sending out colonists thither. *Ibid.*

since he will never be able to establish a sufficient number of French to swamp the English.¹ But the South Island is still, or at least was in 1838, 'vierge de spéculateurs, de colons ou de missionnaires'. This island, which the writer proceeds to describe in glowing terms, the French must annex and colonise. French establishments can extend down the whole of its eastern coast. Stewart's Isle also will prove a valuable possession. It is well wooded, and its soil appears fertile: 'Peut-être pourrait-on la choisir plus tard comme lieu de déportation.' A French Company is prepared to undertake the colonisation of New Zealand, and has already completed the measures necessary for a first establishment; but it wants 'l'appui du Gouvernement et le concours de la Marine royale'.

On sentira aussi, qu'en présence de l'activité de la Compagnie Anglaise et de l'esprit entreprenant de nos voisins il n'y a pas un moment à perdre, pour mettre ces projets à exécution si l'on ne veut pas échouer et trouver, à notre honte, les Anglais maîtres de l'Île du Sud comme ils le sont déjà de l'Île du Nord.²

But the French Government did not act with the despatch recommended by the Ministry of Marine—and for obvious reasons. The period between the years 1836 and 1840 was a time of turmoil in the internal politics of France, ministry following ministry in quick succession,³ while the Eastern question darkened the horizon of foreign policy.⁴ At such a time it was impossible to expect the Government to assert itself strongly in the Pacific.⁵ France had still to wait many years before

¹ The writer mentions, disparagingly, the 'souveraineté ridicule' claimed by de Thierry. *Ibid.*

² *Ibid.*

³ Between 1836 and 1840 six different governments ruled in France. After the resignation of the Comte de Molé in 1839, there was a long interregnum which was followed by the ministries of Soult and Thiers. It was not until Guizot came into power in October, 1840, that a stable government was established.

⁴ Or, to speak more precisely, the international complications arising from the overthrow of Turkey by Mehemet Ali. On 15th July, 1840, Britain, Austria, Russia and Prussia concluded, without consulting France, a treaty settling the affairs of the Orient in a way opposed to her wishes.

⁵ The chief reason for the despatch of the French expedition to New Zealand appears to have been the satisfaction of public opinion which

her second period of colonial expansion began. Indeed, at the date of the memorandum¹ it was already too late to acquire the South Island, unless a French expedition could have been despatched forthwith to Akaroa; for one day before that date Captain Hobson had received from Lord Normanby his final instructions which foreshadowed the annexation of all the islands of New Zealand.

On 2nd August, 1838, Captain Langlois, the master of a French whaling ship, had purchased from the natives a tract of land on Banks's Peninsula in the South Island.² Returning to France he contrived to interest speculators in a design for colonising New Zealand. They approached the Government in June, when the first *pourparlers* for the formation of a colonising company took place, but it was only on 11th December that a convention was concluded between the Government and the Nanto-Bordelaise Company, as they were officially designated.³ The Government agreed to provide a ship of 550 tons for the conveyance of the Company's emigrants, and to place on board provisions to last sixty passengers and a crew of twenty men for seventeen months.⁴ Various special privileges were to be accorded to the produce exported to France by the Company's settlers. One of the objects of the French Government appears to have been to establish a penal settle-

had been much agitated by the publication of Normanby's instructions to Hobson. *Memorandum* for the Minister of Marine, dated 28th Sept., 1840. Marine et Colonies, B.B./4,1010. (French Archives.)

¹ *i.e.* 15th August, 1839.

² See Guizot's speech of 28th May, 1844, in the French Chamber of Deputies, extracted by the Directors of the New Zealand Company from the *Journal des Débats*, and quoted in an appendix to their Fifteenth Report. Guizot had to defend the Government against violent attacks on the score of their slackness in resisting British pretensions in New Zealand and in other parts of the world.

³ *Ibid.*

⁴ Le Ministre de la Marine au Prefet maritime à Rochefort, 14th Dec. 1839. Marine et Colonies, B.B./4,1010 (French Archives). The news of this convention failed to agitate the Colonial Office. Stephen wrote that 'it was now clear, first, that the French Government are seriously engaged in making a settlement in New Zealand; secondly, that they are doing this in a very feeble manner'. *Memorandum*, 29th April, 1840. C.O. 209/7.

ment in New Zealand.¹ The Government reserved for itself the fifth part of all the lands that might ultimately come into the possession of the Nanto-Bordelaise Company.² But this Company was a very weak instrument for accomplishing important designs, since its total capital did not exceed one million francs, of which only one-sixth was paid up.³ Its vessel, the 'Comte de Paris', with fifty-seven emigrants on board, sailed for New Zealand at the end of February, 1840. the 'Aube', a *corvette* sent by the Ministry of Marine to protect the expedition, having been despatched a month before.⁴ When the 'Aube' arrived at the Bay of Islands on 10th July, 1840, Captain Lavaud, her commander, found that Captain Hobson had already proclaimed British sovereignty over the whole of New Zealand. Lavaud's subsequent proceedings, including the famous episode of the 'race' to Akaroa in which Captain Stanley of the 'Britomart' anticipated him by four days, and which has been made so much of by historians of New Zealand, have nothing to do with the question of sovereignty.⁵ That question was settled by Hobson's proclamations of May, 1840, and by the certainty that Britain would recognise them and support her agent if necessary by force of arms.⁶

¹ *Journal du Havre*, 15th Feb. 1840. Quoted in an appendix to the *Thirty-fifth Report*.

² *Journal du Havre*, 26th Feb. 1840. Quoted *ibid.* ³ *Ibid.*

⁴ Guizot's speech of 28th May, 1844, in the Chamber of Deputies.

⁵ Lavaud superintended the landing of the French emigrants at Akaroa and generally defended their interests, but did not meddle with the question of sovereignty. His conduct 'dans les circonstances que vous ne pouviez prévoir' was highly approved by the French authorities. *Le Ministre de la Marine au Capitaine Lavaud*, 14th April, 1841. *Marine et Colonies*, B.B./4/1010 (French Archives).

⁶ There was some correspondence between the Foreign Office and the French and American ambassadors as to the rights of French and American subjects in New Zealand. Palmerston at once assumed for Britain the full rights of sovereignty. (Backhouse to Stephen, 26th Feb. 1841. C.O. 209/12.) The French Government did not recognise British sovereignty over New Zealand until the year 1844. In 1842 a mild sensation was created in British official circles by the departure of the French *corvette*, 'La Reine Blanche', for the Pacific with 700 men on board. It was suspected that she had orders to proceed to New Zealand. The suspicion, however, proved to be groundless, the expedition having been sent merely to visit 'les différents archipels de l'Océanie' and to find out if there was in Australia 'un lieu propre à la colonisation'. Cowley to Aberdeen, 1st Aug., 1842 (Encl.). C.O. 209/17.

Thus was averted a partition of New Zealand between the British and the French. The whole episode is a very peculiar one. Neither the British nor the French Governments had the remotest idea of extending their authority in the Pacific before the question was brought prominently before the public by the New Zealand Association. Even then, if there was any 'race', it was a race in procrastination; throughout the year 1838 and the best part of 1839, the French might have anticipated the British in the South Island, had their Government really desired its acquisition, and been prepared to act with the necessary secrecy and despatch.¹

The New Zealand Association was the principal author of the annexation of New Zealand. It was due to its propaganda that the public began to take an interest in the islands, and that the Government reconsidered its position there. On 12th December, 1838, eighteen months after the Association had first approached the Government,² Stephen, in a letter to the Foreign Office, broached Glenelg's idea of the supersession of Mr. Busby by an officer with consular powers.³ Glenelg, however, did not intend to annex the whole of the islands: his plan went no further than the acquisition of certain tracts of country already inhabited by Europeans.⁴ The delays that generally result, when the consent of two or more Government departments has to be obtained to a line of action, were prolonged by the resignation of Glenelg, and it was only on 14th August, 1839, that Hobson received his instructions from the Colonial Office. He was authorised

to treat with the aborigines of New Zealand for the recognition of Her Majesty's sovereign authority over the whole or any parts of those islands which they may be willing to place under Her Majesty's dominion. ⁵

But in the protracted correspondence that led up to these instructions, between members of the Colonial Office, between

¹ The Foreign Office was kept informed by its agents of the preparations for despatching the French expedition to New Zealand. See Scott to Palmerston, 15th April, 1840. C.O. 209/8. Scott was the British Consul at Bordeaux.

² See above, chap. iii.

³ Stephen to Backhouse, 12th Dec. 1838. *P.P.* 1840, xxxiii, p. 589.

⁴ Glenelg's minute of 12th Feb. 1839. C.O. 209/4.

⁵ Normanby to Hobson, 14th August, 1839. *P.P.* 1840, xxxiii.

the Colonial and the Foreign Office, and with the New Zealand Association, no mention whatsoever was made of the danger of French intervention.¹ The Company first drew attention to that risk on 7th September, 1839, when Hobson was already on his way to New Zealand, and it no longer really existed.² Its services in this matter of annexation were thus indirect, but none the less real.³

Hobson arrived at the Bay of Islands on 3rd February, 1840. He at once set about the business on which he had come. Having assembled the chiefs who lived in the vicinity of the Bay of Islands, he persuaded forty-six of them to set their marks to the famous Treaty of Waitangi by which they yielded to the Queen of England 'all the rights and powers of sovereignty' which they 'exercise or possess'.⁴ On 12th February, 1840, the treaty was signed by the chiefs living around Hokianga, in the north-west of the island.⁵ Hobson now sent Captain Symonds, and the missionaries Henry Williams, Brown, Maunsell, and William Williams to different parts of the North Island in order, if possible, to obtain the signatures of all the more important chiefs.⁶ On 25th May, 1840, he reported that his emissaries had succeeded in their mission,

¹ One exception must be made to this statement. On 20th Dec. 1838, Mr. George Fife Angas, whose name is well known in connection with the foundation of South Australia, warned Lord Glenelg that the Comte de Molé 'has expressed his determination to appoint Baron de Thierry . . . French consul in New Zealand'. 'Numerous French vessels of war', he continues, 'are now traversing the South Seas doubtless with other objects in view than such as are of a merely scientific nature'. C.O. 209/3.

² Somes to Palmerston, 7th Nov. 1839. *P.P.* 1840, xxxiii. p. 652.

³ We have taken the Association and the Company as, for practical purposes, the same body.

⁴ The treaty consists of only three clauses: the first is the chiefs' cession of sovereignty, the second guarantees to the chiefs and their tribes the possession of all their lands and other property and assumes the right of pre-emption for the Crown, and the third declares that in consideration of the above pacts 'Her Majesty the Queen of England extends to the natives of New Zealand her royal protection, and imparts to them all the rights and privileges of British subjects'. Hobson to Gipps, 5th Feb. 1840. *P.P.* 1840, xxxiii. pp. 584-585.

⁵ Hobson to Gipps. *P.P.* 1841, xvii. pp. 506-507.

⁶ Hobson to H.M. Principal Secretary of State for the Colonies, 25th May, 1840. *P.P.* 1841, xvii. pp. 511-5.

and that he had on 21st May proclaimed British sovereignty over the North Island by right of cession.¹ On the same day the Queen's sovereignty was also proclaimed over the two southern islands by right of discovery.²

Thus the first two actions that were performed in New Zealand by the authority of the British Crown involved an inconsistency. As M. Berryer put it in the French Chamber, Great Britain had on the same day taken possession of New Zealand on two different, and, he might have added, mutually exclusive principles.³ What was right for the North Island was also right for the other two, as Great Britain had recognised the independence of the whole of New Zealand.⁴ Hobson excused his inconsistency by saying that the natives of the southern islands were much more barbarous than those of the North Island and totally incapable of understanding the meaning of treaties.⁵ But this reasoning does not hold water. Major Bunbury, in the report that he addressed to Hobson on the results of his tour in the South Island, asserts that the intelligence of its inhabitants has been much underrated.⁶ However this may be, there can be little doubt that the chiefs of the North Island had no conception of what they were doing when they signed the Treaty of Waitangi. Some of its terms must have been totally incomprehensible to them. As the missionaries had themselves pointed out only a year before, the native mind could not grasp what was meant by the term 'sovereignty'.⁷ Yet now these same missionaries were going

¹ *Ibid.*

² *Ibid.* Major Bunbury had been sent to the South and Stewart's Islands to obtain signatures to the treaty, but he did not report until 28th June. Gipps to Russell, 18th Oct. 1840. C.O. 209/6.

³ Speech delivered in the French Chamber of Deputies on 28th May, 1844. Quoted in an appendix to the *Fifteenth Report*.

⁴ It is true that that recognition had been more explicit in the case of the North Island than in that of the other two; but the acts of repudiation (see below) apply to the whole of New Zealand.

⁵ Hobson to H.M. Principal Secretary of State for the Colonies, 25th May, 1840. *P.P.* 1841, xvii. p. 512.

⁶ Gipps to Russell, 18th Oct. 1840 (Encl.) C.O. 209/6.

⁷ 'A native could not understand what would be comprehended under the term "sovereign rights"'. *Report of a Sub-Committee of New Zealand Missionaries*, dated May, 1839. C.M.S. Papers, New Zealand, No. 250.

about the country to ask the chiefs to yield their 'rights of sovereignty' to the British Crown. But if some of the terms of the treaty were obscure, the whole conception of a treaty, as a solemn engagement that was unalterable except with the consent of all the parties, can have had no meaning for semi-barbarous chiefs who held whatever they possessed by right of the strong arm reinforced by the dictates of custom. If there was any part of the Treaty of Waitangi which the natives could understand, it was the clause which restrained them from selling their lands without the consent of the Crown. Yet they continued to do so, and, when they found that the Government meant to carry out the treaty in its integrity, their attitude grew so threatening that Governor FitzRoy was forced to withdraw the obnoxious clause, and thus consent to the breaking of the treaty.¹ The Treaty of Waitangi became of great importance in later New Zealand history. It was continually being appealed to by whites and natives alike, and there grew up around it a mass of judicial interpretations. But it also bred trouble between Maoris and Europeans as it stood in the way of the clear-cut, consistent policy which has been recognised by experts as the first essential for the successful government of native races.

The most contentious part of the Treaty of Waitangi is the clause in which

Her Majesty the Queen of England confirms and guarantees to the chiefs and tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their lands and estates, forests, fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession.²

The New Zealand Company maintained, and its contention was supported by the Committee of 1844, that the guarantee referred only to lands in the actual occupation and enjoyment

¹ It is also worthy of remark, as bearing on the weakness of the British title by 'right of cession', that some of the chiefs of the North Island, including the powerful Te-Whero-Whero of Waikato, and Te-Heu-Heu of Taupo, refused to sign the treaty, notwithstanding the blankets and other articles offered in exchange for their signatures.

² Hobson to Gipps, 5th Feb. 1840. *P.P.* 1840, xxxiii. pp. 584-5.

of the natives.¹ The missionaries, on the other hand, claimed that the whole of the soil of New Zealand belonged to the natives.² The claim, however preposterous it may sound, seems to be fully borne out by the instructions on which Hobson acted when he drew up his treaty.³ These instructions never once allude to waste lands that would automatically become Crown demesne, but in every case contemplates the purchase of all lands that might be required for colonisation. What we know of the opinions of the framer⁴ of the instructions confirms the view that the widest possible application was intended to be given to the word 'possession' as used in this second clause of the treaty.⁵

The 1844 Committee on New Zealand characterised the conclusion of the Treaty of Waitangi as 'an injudicious proceeding'.⁶ And such it undoubtedly was. The land question was left to the decision of the judges, with the interminable delays that judicial procedure involves, instead of being settled quickly and decisively by the executive.

The most straightforward method of procedure would have been for the Crown to obtain from Parliament an authorisation

¹ *Report of the Committee of the House of Commons on New Zealand. P.P. 1844, xiii. p. 5.* See below, pp. 186-7.

² Coates to Stanley, 14th Aug. 1844. *P.P. 1844, xxxiv. p. 844.*

³ Normanby to Hobson, 14th Aug. 1839. *P.P. 1840, xxxiii. pp. 623-8.*

⁴ Stephen drew up these instructions. Their evolution can be traced in C.O. 209 4. He first prepared a rough draft for Glenelg's consideration embodying the views to which the latter 'had been brought by very protracted enquiries and deliberations' (*Memorandum* by Stephen, 18th May, 1839). After Glenelg's resignation, Stephen re-wrote the instructions entirely. In this second form, after a few alterations by Henry Labouchere, Normanby's Parliamentary Under-Secretary, they were transmitted to Hobson. Normanby himself does not appear to have touched them.

⁵ The actual words used will, however, bear the much narrower interpretation given them by the Company, and sanctioned by Lord John Russell in the Royal Charter and Instructions issued to Governor Hobson in December, 1840. And it might have been necessary to resort to that interpretation in the interests of a sound land and native policy. See below, chap. viii. sec. 3.

⁶ *P.P. 1844, xiii. p. 12.* Peel in a speech delivered to the House of Commons on 19th June, 1845, said that the Treaty of Waitangi 'has been a most unwise one, even for the natives'. *Hansard*, 3rd series, vol. lxxxi.

to annex New Zealand on the ground of discovery. Parliament alone could annul its own decisions concerning the 'independence' of the New Zealand tribes. The difficulties in the way of such a solution explain, though they do not justify, the procedure by way of treaty. All the missionary societies, as well as the powerful body of evangelical opinion which they could mobilise, would have raised the cry of injustice and oppression. Even in Parliament the Colonial Secretary would probably have encountered strenuous opposition. But, as has been shown, the Colonial Office under Glenelg and Normanby favoured the missionary view. It was in deference to that view that treaties were about this time being concluded with the savage tribes on the eastern border of the Cape Colony,¹ on a system that was soon to be extended to other 'states' on its boundaries.² But the experience of a very few years was to prove that Kaffir chiefs could not be treated as if they were European potentates, and that they simply took no account of written agreements. In the Cape Colony the treaties thus fell into abeyance or were denounced.³ In New Zealand, however, such a course was impossible, as the Treaty of Waitangi was the source from which Britain drew her authority. It had to remain, a thorn in the side of home and colonial governments.

One other of Hobson's actions deserves mention in this place, namely, his choice of a capital. His first residence was naturally at Kororareka, but he soon set about looking for a more suitable place, presumably because the price of town lands in that settlement was rather high. The first site he selected was in the Bay of Islands, not far from Kororareka. It was unoccupied except for a few buildings erected by its former owner, who received ten thousand acres in exchange for his property.⁴

¹ The treaties were concluded, according to the instructions of Lord Glenelg, during the months of December, 1836 and January, 1837. G. M. Theal, *History of South Africa between 1795 and 1872* (London 1915), vol. ii. pp. 150-53.

² In 1843 treaties were concluded with a portion of the Griqua tribe and with the Basuto chief, Moshesh. *Ibid.* p. 481.

³ *Ibid.* p. 482.

⁴ Shortland to H.M. Principal Secretary of State for the Colonies, 27th March, 1843. C.O. 200,20. Eighteen months later Hobson had to pay £2,300 interest to Mr. Clendon, who sold him the land, since he had not fulfilled his part of the bargain. Lord Stanley condemned the

Hobson started laying out the town of Russell, and then suddenly changed his mind.¹ On 15th October he reported to Lord John Russell that he had decided to establish the capital of New Zealand 'on the south shore of the Waitemata in the district of the Thames'.² He had been influenced

first, by its central position; secondly by the great facility of internal water communication by the Kaipara and its branches to the northward, and the Manakau and Waikato to the southward; thirdly, from the facility and safety of its port, and the proximity of several smaller ports abounding with the most valuable timber; and, finally, by the fertility of the soil which is stated by persons capable of appreciating it, to be available for every agricultural purpose; the richest and most valuable land in the North Island being concentrated within a radius of fifty miles.³

Although Hobson exaggerated the fertility of the lands surrounding Auckland, for so he called his new capital,⁴ the advantages of its situation are undeniable. Situated on the narrow isthmus that joins the southern to the northern portion of the North Island it commands, from its hill, a view of the eastern and western bays. And its position is as advantageous commercially and strategically as it is picturesque.⁵

But, in spite of all these advantages, Hobson's choice is open to serious criticism.

In the first place, the selection of Auckland greatly exasperated the Company. Its Directors had taken it almost for granted that Hobson would fix his capital at their first and

whole transaction at the same time commenting strongly on 'the irregularities which have characterised the whole colonisation of New Zealand'. Stanley to Hobson, 10th May, 1842. *P.P.* 1842, xxviii, p. 457.

¹ The original town of Russell thus never materialised. The town of Kororareka (a picturesque name meaning 'sweet penguin') was subsequently re-christened Russell.

² Hobson to Russell, 15th Oct. 1840. C.O. 209/7.

³ *Ibid.*

⁴ After the First Lord of the Admiralty.

⁵ 'Lorsqu'on se trouve au sommet du mont Eden, volcan éteint qui n'a que 150 mètres d'altitude, d'où l'on domine tous les environs de la ville, les bras des deux baies s'entremêlent si bien que l'on a peine à croire qu'elles ne communiquent pas. Les Anglais ont, certes, bien choisi le lieu de leur premier établissement en Nouvelle-Zélande.' Pierre Leroy-Beaulieu, *Les Nouvelles Sociétés Anglo-Saxonnes*, p. 4.

principal settlement,¹ and instructed their agent to grant him every facility for that purpose.² E. G. Wakefield offered to give up his sections in the settlement for the accommodation of Hobson and his government.³ The Company went to the length of despatching the Governor's house by one of its ships.⁴ But his interviews with the Colonial Office had not rendered Hobson well disposed towards the Company's rising settlement, and he gave orders that his house should be sent to Auckland.

Other disadvantages were more serious. The Company feared that its settlements would suffer, if the Government engaged in a rival colonisation. Its fears were well grounded. Very soon after the foundation of the 'proclamation town' Hobson wrote home disparaging the Company's district⁵ and asking the Colonial Office to advertise the advantages of Auckland and send settlers thither.⁶ Not content with this he sent a ship to Wellington, and enticed some of the Company's labourers to Auckland by the offer of a free passage and high wages.⁷ Thus commenced a rivalry between the Company's and the Government's settlements which was creditable to neither party and became more and more embittered, until Governor Grey succeeded to some extent in restoring amicable relations.

It was also a very questionable step to proclaim the capital of a country at a site where not a single colonist was established. It meant the creation of an additional settlement where none was as yet required, and that was a serious inconvenience in a country which was soon to contain so many scattered settlements. Further, the Governor's plea that Auckland was in 'a central position' does not hold water, as a glance at a map of New Zealand will show. It was as difficult to

¹ Ward to Col. W. Wakefield, 7th Dec. 1839. C.O. 208/166.

² *Ibid.*

³ *Ibid.*

⁴ Ward to Col. W. Wakefield, 10th Feb. 1840. C.O. 208 166.

⁵ 'The utmost quantity of land available for cultivation is 25,000 acres and this is to be found in detached spots, and in situations difficult to approach, and all heavily timbered.' Hobson to Russell, 10th Nov. 1840. C.O. 209/7.

⁶ Hobson to Russell, 10th Nov. 1840. C.O. 209/7.

⁷ Col. W. Wakefield to the Secretary of the New Zealand Company, 14th Feb. 1841. C.O. 208/99.

govern the Cook's Strait Settlements from Auckland as from Kororareka.

Lastly, the creation of a new town increased the mania for land speculation which was already rampant in New Zealand. Indeed, this craze had probably a good deal to do with the proclamation of Auckland. Hobson was stricken with paralysis soon after his arrival in New Zealand. He had not yet completely recovered when the site of Auckland was chosen. Under these circumstances it is very probable that the responsibility for the choice must rest largely on his subordinates, whose characters were not all above suspicion.¹ Part of the land on which Auckland was to be founded belonged to the Manakau and Waitemata Company² whose agent, Captain Symonds, was employed by Hobson in an official capacity.³ Some of his other subordinates showed the spirit by which they were actuated by obtaining permission to select their allotments before the public sale took place, and appropriating some of the choicest spots in Auckland.

It must, however, be confessed that it would have required a very courageous Governor to fix the capital of New Zealand anywhere save in the north. Hobson's wisest course might have been to have established himself at Wellington, on the principle that government ought to follow population. But all the influences by which he was surrounded in the north were dead against such a procedure. The missionaries were against

¹ A number of them were consequently superseded by the Home Government. *Memorandum* by G. Gairdner, 26th May, 1841. C.O. 209/9.

² See chapter iv.

³ In this connection the Company made a very serious charge against Hobson's advisers. It showed that already on 5th Sept. 1840, the Manakau and Waitemata Company had issued an advertisement that foreshadowed the establishment of the capital of New Zealand on its lands, while Hobson's despatch announcing the proclamation of Auckland is dated 15th October. From this the Company drew the conclusion that 'the choice of a capital was settled by the members of a private land company in Scotland, and had been so settled before Captain Hobson had recovered from the severe illness which incapacitated him from active duties during the first two months of his residence as Governor—before the sovereignty of the district had been ceded—before it was comprised in the colony'. *Somes to Stanley*, 24th Nov. 1841. *P.P.* 1844, xiii. p. 500. It must be allowed that the Company had some, although far from sufficient, grounds for its charge.

it, and so were the land jobbers. And finally, it would have meant acting contrary to the spirit of his instructions, which were concerned chiefly with the protection of the natives against unprincipled European adventurers and with the encouragement of the missionaries. And the only way in which Hobson could accomplish these objects was by establishing his government in the vicinity of the northern tribes.

VI

THE PIONEER SETTLEMENTS

§ 1. *The Sites and Foundations*

IN previous chapters we discussed the Company's theory of colonisation, and the question how far it succeeded in carrying into effect that part of it which dealt with emigration. We have now to attempt the solution of the much more important series of problems that are concerned with the actual settlement of the land. Did the circumstances in which the Company's settlers found themselves permit of a fair trial of the Wakefield system? If they did, what was the result of that trial? The task will be by no means an easy one. The Company's settlements formed distinct colonies with widely different characteristics of soil and vegetation. Separated by many leagues of windswept sea but rarely bridged by ships,¹ each of them naturally developed its own peculiar forms of life.² Their problems too were widely different. Wellington and New Plymouth were surrounded by troublesome native tribes, while Nelson, which was comparatively free from that scourge, had other difficulties to contend with. The settlement of Auckland and the northern part of the North Island under the eye of the Government raises yet other questions, and supplies us with a useful contrast to the colonisation of the Company's district.

In their instructions to Colonel Wakefield, the leader of the preliminary expedition, the Directors had expressed the wish

¹ The Company's agent at New Plymouth wrote that 'one might just as well live on a solitary rock in the middle of the ocean' as in his settlement. Liardet to Col. Wakefield, 28th Nov. 1841. C.O. 208/91.

² 'The several settlements are distinct colonies, and differ much more widely from each other than many British colonies do.' Governor Grey to Earl Grey, 9th July, 1849. *P.P.* 1850, xxxvii. p. 898.

that commercial considerations should play the chief part in the determination of the site of their first and principal settlement.¹ The Colonel carried out his instructions faithfully. On 16th August, 1839, after a voyage of just over three months, the 'Tory' sighted New Zealand.² Three days later she was in Cook's Strait, where Colonel Wakefield ran across a very useful person in the shape of one Dicky Barrett, a whaler, who had been in New Zealand for ten or twelve years, and whose wife was the daughter of an influential chief at Port Nicholson.³ Barrett at once became Colonel Wakefield's guide and interpreter in his dealings with the native tribes. It did not take Wakefield long to confirm the Directors' impression that Port Nicholson was the best place for fixing the future metropolis of New Zealand. There can be no doubt as to the excellence of the harbour. It consists of a salt-water lake or inlet of the sea, about six miles in diameter, and land-locked on every side. Within this 'lake' there is a smaller harbour (to which the name of Lambton Harbour was given in honour of the illustrious chairman of the Company), whose waters being deep right up to the shore afford a perfect anchorage for ships.⁴ On that harbour the town of Wellington was soon to arise. The only disadvantage of Port Nicholson was the difficulty of entering it during the gales that often blow in Cook's Strait.

From the point of view of the settlers the choice of the Port Nicholson site was a mistake. The only land in its vicinity available for cultivation was the valley of the river Hutt which flowed into the harbour at a distance of about six miles from the site of Wellington. It contained 15,000 acres of fertile, though heavily timbered, land. The rest of the country, for twenty or thirty miles on each side, consists of hills, varying in height from 500 to 1,500 feet, interspersed with narrow valleys or portions of tableland, of a good soil, but covered in 1839 with dense forests. It was but a poor consolation to the settlers for their immediate lack of easily-cultivable land that in time to come Port Nicholson, being the only harbour where a vessel of over 600 tons could enter with safety on a line of coast many miles in extent, would be a seaport seething with commerce.

¹ See above, p. 53. ² E. J. Wakefield, *op. cit.* part i. chap. i. ³ *Ibid.*

⁴ W. Fox, *The Six Colonies of New Zealand* (London 1851), pp. 23-25.

The first settlers arrived in the month of January, 1840.¹ The only preparation that had been made for their reception was the purchase of the country bordering on Port Nicholson from the natives. Nothing had been done towards preparing the land for settlement. Not an inch of country had been surveyed, the 'Cuba,' which brought the Company's surveying staff, having arrived only a few days before the settlers' ships.² Nevertheless, they all set to work with a will, for these first settlers of the Company were men of energy and resolution. Their troubles began at once. It had been decided to fix the site of the town at the mouth of the river Hutt, but as the ships could not approach the landing-place owing to shallows the settlers experienced great difficulty and some loss in landing their stores. All squatted on the banks of the Hutt to await the time when the town sections would be ready for selection. Women, small children and invalids were accommodated in the three wooden houses provided by the Company. The rest of the settlers lived in tents or in rough wooden houses with taupo roofs which the natives helped them to build;³ for at this time the two races were on excellent terms. Colonel Wakefield had succeeded in winning the confidence of the two head chiefs of the district, Te Puni and Te Warepori, and their tribesmen, besides helping settlers to land their stores and build their huts, supplied them with provisions in the shape of pigs and potatoes—articles which Captain Cook had introduced into the islands fifty years before.⁴

After the surveys had proceeded for some time, it was found that owing to the marshy nature of the land and its liability to be flooded, the Hutt site was not suitable for a town.⁵ Thus

¹ Colonel Wakefield's *Journal*, 30th Sept. 1839. C.O. 208/307.

² *Ibid.* 18th and 19th January, 1840.

³ 'Our first habitations', wrote the Hon. H. W. Petre, who was one of the members of the Company's first settlement, 'consisted entirely of very rude huts built by ourselves. At a later period, after the arrival of the other emigrant ships, the natives rendered valuable assistance'. He added that the settlers did not set up the frame houses they had brought with them from England, because they were not sure where the town would be established. *The Settlements of the New Zealand Company* (London 1842), pp. 11-12.

⁴ E. J. Wakefield, *op. cit.* part i. chap. vii.

⁵ Col. Wakefield to Secretary of New Zealand Company, 6th April, 1840. C.O. 208/99.

a few more precious months were wasted. The surveyors now moved to the shore of Lambton Harbour. There they were on firm land but in a very cramped position. There was only a small place available between the harbour and the hills, and at one point the latter approached so closely to the water's edge that they all but cut the town in two.¹ In years to come, when Wellington had become the capital of New Zealand, it was to feel its cramped situation acutely. Even the pioneers felt the difficulty of their position. Colonel Wakefield complained that one acre allotments were far too large, since they caused the town to be spread out over an unnecessarily extensive area and greatly retarded the surveys.² These were further delayed by the fact that the surveyors were tired out by a strenuous winter's work among the marshes and forests of the Hutt. At length—eight months after the settlers had landed on the shore of Port Nicholson—the town sections were ready for selection.³ The colonists bravely removed their wooden houses from the right bank of the Hutt to the new township of Wellington, as the Company had directed the Lambton Harbour site to be named. The surveyors now started work on the country sections. By the end of January, 1841, 18,000 country acres had been surveyed.⁴ As soon as an area had been surveyed of sufficient extent to give a certain amount of scope for selection, the settlers would select their sections according to their orders of choice. In every case a settler might reserve his right of selection for exercise on a future occasion. So slowly did the work proceed that by 1st April, 1843, there were still a few preliminary sectionists—landholders under the Company's first prospectus—who had not made their choice of land.⁵ As for the second and third sectionists—those

¹ Hobson's Surveyor-General reported to the following effect on the town of Wellington: It consists of two flats divided by the spurs of the mountain ranges that close in upon the harbour. The allotments are very badly arranged; many are situated on mountainous, inaccessible land; the streets will have to be carried across ravines. Hobson to the Secretary of State for the Colonies, 13th Dec. 1841 (Enclosure). *P.P.* 1842, xxviii. p. 496-7.

² Col. Wakefield to the Secretary of the New Zealand Company, 27th June, 1840. C.O. 208/99.

³ *New Zealand Gazette*, 23rd Jan. 1841.

⁴ *Ibid.*

⁵ Brees to Col. Wakefield, 1st April, 1843. C.O. 208/101.

who had to choose their lands beyond the area reserved for the first and principal settlement—the Company tried to locate them at Wanganui, a district over one hundred miles distant from Wellington, where there was a large extent of available country. A township was surveyed consisting of 2,000 sections of a quarter of an acre each.¹ But the majority of the settlers for whom it was intended refused to venture so far into the wilderness, and of those who did settle there most were forced to leave their homes when the native troubles started.²

The mismanagement of the surveys had a bad effect on the settlement. Settlers who should have at once commenced clearing the land for agriculture wasted their capital in the rising town. In some cases the stores they had brought with them simply lay rotting on the beach. Others set up as small traders and a brisk exchange of goods for some time gave the settlement an unreal air of prosperity. For the settlers were trading on a rapidly diminishing capital.³ The traders were always well supplied with goods by the Company. Two out of the four pages of which the *New Zealand Gazette* consisted were devoted to advertisements, of which the majority were commercial, retailing the stores that the various dealers had just received from home. There were no less than four inns and taverns selling 'wines, spirits, bottled ale and porter'. Sometimes the commercial instincts of the population took a more dangerous turn. A Mr. Partridge cut up his section (which had cost him £100) into small lots so as to form a 'village' and realised almost £1,000 from their sale.⁴ Another gentleman

¹ Dillon-Bell to Col. Wakefield, 3rd Aug. 1841. C.O. 208/166.

² Col. Wakefield to the Secretary of the New Zealand Company, 5th Feb. 1842. C.O. 208/100.

³ The only people who brought any money into the settlement were the whalers inhabiting Cook's Strait, who spent most of their savings in Wellington. The oil trade, indeed, helped Wellington to tide over her years of adversity. *New Zealand Gazette*, 5th Oct. 1842.

Wellington merchants soon supplanted Sydney capitalists in the profitable trade of buying up the oil and shipping it to England. In the year 1846 the value of the oils exported from Wellington was estimated at £17,158, and of the whalebone at £6,679. The value of the wool exported during the same year did not reach £2,500. Statistics of New Munster. Governor Grey to Earl Grey, 6th Feb. 1850. *P.P.* 1850, xxxvii. pp. 1150-3.

⁴ *New Zealand Gazette*, 30th Oct. 1841.

created the village of Rhodes near the imaginary township of Wanganui.¹ Fortunately, however, the speculation which almost destroyed the rising settlement of South Australia and ruined the inhabitants of Auckland was in Wellington kept within bounds;² but the town was by no means free from the evil. The local paper spoke of the many settlers 'who remain about the town expending their means unprofitably'.³ And again, 'Agriculture has been entered upon though not at all to the extent to be desired'.⁴ Out of a population of 2,500 only 600 were in October, 1841, settled upon the land:⁵ most of them were located in the valley of the Hutt. There can be no doubt that the difficulties of clearing the heavily timbered land discouraged many a settler. Exaggerated reports were spread as to the high cost of clearing, which some placed as high as £70 per acre, though eventually it was found that an expenditure of £12 per acre was sufficient to prepare the land for its first crop.⁶

While the colony at Port Nicholson was thus struggling into existence preparations for the founding of a second settlement were being carried out by a preliminary expedition which had arrived in Cook's Strait on the ships 'Whitby', 'Will Watch' and 'Arrow' in August and September, 1841. The first objective of Captain Wakefield, who commanded the expedition, was, of course, the selection of a suitable site. He at once applied to Governor Hobson, to whom Lord John Russell had given absolute discretion in the matter, to allow him to fix the settlement at Port Cooper where the Canterbury colony was afterwards to be established. Hobson refused his sanction (chiefly on the ground that the location of a settlement so far to the south might force him to shift the seat of government from Auckland to Wellington) and proposed a site near Auckland.⁷

¹ *Ibid.* 17th Nov. In the same newspaper, on 23rd April, 1842, there appeared advertisements offering allotments in three different townships to be laid out on the river Manawatu.

² Chiefly from want of capital. ³ *New Zealand Gazette*, 9th Oct. 1841.

⁴ *Ibid.*

⁵ *Ibid.*

⁶ *Ibid.* 9th Jan. 1841. Much would depend on the way in which the clearing was done. Some settlers cleared the ground of all encumbrances, while others merely cut down the trees, removed the brushwood, and left the stumps to rot in the ground.

⁷ Hobson to the Secretary of State for the Colonies, 27th Sept. 1841 (Encls.). *P.P.* 1842, xxviii. pp. 469-70.

Captain Wakefield would have nothing to say to this suggestion, and was thus thrown back on the 'Company's District,' which comprised lands on either side of Cook's Strait.¹ But much time had already been wasted, and once again precipitate action worked confusion for the Company and its settlers. In this case, however, it is hard to blame the Company's officers. Except for the northern district of the North Island the islands of New Zealand were still all but unexplored. It is true that Captain Cook had made an accurate survey of their coasts, as far as it went. But he had been able to explore only a very few of the bays and inlets with which the coasts abounded and nothing at all of the hinterland. He had not even put into Port Nicholson, the best harbour in Cook's Strait. Later navigators had added little to the knowledge of the country. That knowledge, as far as the Company's District was concerned, had to be acquired slowly and laboriously by the unaided efforts of the settlers. The want of it affected the Company's operations disastrously.²

When he had broken off negotiations with the Governor, Captain Wakefield sailed up Cook's Strait, and after a very superficial examination of its southern shore suddenly fixed on Blind Bay as the site he had been looking for, in spite of the objection of Mr. Tuckett, his chief surveyor, that the surrounding country would not admit of the carrying out of the colony's scheme.³ Had Captain Wakefield known of the existence of the magnificent plains of the Wairau and their easy communication with a good harbour in Queen Charlotte Sound he would never have gone to Blind Bay. For the site chosen had very little to recommend itself except its climate, and even that was so mild that it was said to produce somnolence in its inhabitants.

¹ *Ibid.* The 'Company's District' was the tract of country which Colonel Wakefield professed to have purchased from the natives, and out of which the Company had to choose the lands awarded them by Mr. Pennington under the agreement with Lord John Russell.

² The prevailing impression among the settlers appears to have been that there were 120,000 acres of available land in the Hutt valley. It was later proved to contain only 15,000 acres. See the letter from a Wellington settler in the *New Zealand Gazette* of 23rd May, 1840.

³ J. W. Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, pp. 32-3. The letter contains a very able and interesting report on the Nelson settlement.

The Haven, whose excellence had largely determined Captain Wakefield in favour of the site, turned out to be dangerous of access and unsuitable for the large vessels even of that day.¹ Neither was the soil very fertile. The Haven was surrounded by barren hills, on the spurs of which, at the head of the harbour, was laid out the town of Nelson. About four miles from the town the Waimea valley drained by the river Wai-iti opens out. Most of the early settlers were placed there, as it afforded the largest area of available land in the vicinity of Nelson. The country consisted either of fern lands which were easy enough to clear, but did not yield a very good crop during the first few years, or of flax swamps which, though more fertile than the fern land when drained, naturally seemed rather forbidding to the settlers.² Altogether in this valley and in the smaller districts of the Moutere and the Motueka there were not more than 60,000 acres that were fit for cultivation, and of these, according to Mr. Tuckett, only 14,000 could be described as good.³ It thus became a physical impossibility to carry out a scheme requiring 150,000 acres of rural and 50,000 acres of suburban land. The surveyors had their work cut out to provide the 50,000 acres of suburban land, and when they did eventually succeed those lands could hardly be called 'suburban'. Says Mr. Dillon-Bell, 'the distance from the last section in the north to the last in Motueka, is nearly sixty miles; from the town about forty-eight miles; and from the town to the furthest section in the Waimea South and Moutere districts, about twenty-five miles and thirty-five miles respectively'.⁴ This is what came of the Wakefield policy of 'concentration'—at least in the Nelson settlement. But the Company went even further in the

¹ 'It is the decided opinion of this Committee that . . . the actual dangers of the entrance into, and still more of the exit from, Nelson Haven, in its present state, cannot be denied.' *Report of the N.Z. Company's Shipping Committee*, 20th Sept. 1842.

² Fox to Col. Wakefield, 1st Dec. 1843. *Fourteenth Report*, Appendix No. 17. Mr. (afterwards Sir William) Fox succeeded Capt. Wakefield as Resident Agent at Nelson.

³ J. W. Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 33.

⁴ Quoted in a *Memorandum* by J. W. Cowell, dated 24th Nov. 1847. *P.P.* 1852, xxxv. 570, p. 45. Mr. Dillon-Bell was a prominent Nelson settler.

direction of dispersion. Instead of bowing to the inevitable and recognising that the Nelson scheme could not be carried out, it started surveying in the Wairau and Massacre Bay districts. It must have been evident to everyone that lands in the Wairau or Massacre Bay could not fairly be said to belong to the settlement of Nelson, as no farmer could at the same time cultivate a suburban property in Blind Bay and a rural property 100 miles off.¹ The Company eventually abandoned this project, but not until much expense had been incurred and an appalling massacre perpetrated.²

When the first settlers arrived—in February, 1842—the surveyors had been at work for three months. The town sections were ready for selection at the end of April,³ and the first suburban sections were distributed in August.⁴ Every settler was soon hard at work building his house or clearing his land. The local paper, writing of 'our prospects six weeks after arrival', dwelt enthusiastically on the splendid future in store for the settlers and lauded the 'undespairing good spirits and energetic hopefulness' of the labouring emigrants.⁵ It was soon to change its tune.

Before the arrival of the Nelson colonists another settlement had been founded. It was started under the auspices of the Plymouth Company, and when that Company merged in the New Zealand Company the latter took over the colony. The site was chosen in January, 1841, by an agent of the New Plymouth Company assisted by the useful Dicky Barrett, and their choice was highly commended by Colonel Wakefield.⁶ Taranaki is the name given to the district by the natives, but the founders preferred to call their settlement New Plymouth. It is situated on the west coast of the North Island 'close to Mount Egmont, which forms at all times a magnificent feature in the scenery. It rises up at once from the level country to a height of 8,300 feet, in the most beautiful conical form, and

¹ Capt. to Col. Wakefield, 27th Aug. 1842. C.O. 208/84.

² The Wairau Massacre, June, 1843.

³ Capt. Wakefield to Ward, 27th April, 1842. C.O. 208/84.

⁴ Capt. Wakefield to Ward, 27th Aug. 1842. C.O. 208/84.

⁵ *Nelson Examiner*, 19th March, 1842.

⁶ Col. Wakefield to Secretary of Plymouth Company, 12th Feb. 1841. C.O. 208/91.

capped with snow for a great part of the year. It is the most elegant, and certainly not the least imposing of mountains. Below lies a beautiful undulating country, bounded by the sea on one side, and on the other stretching away, one vast forest, into the blue distance. The soil is of the very first fertility, and the natural vegetation of every sort, except grass, most abundant'.¹ The 'undulating country' really consists of a series of narrow, fertile valleys. Between the town and the river Waitera, a distance of ten miles, there are eight running streams. The whole district, on account of its fertility and natural beauty, has been deservedly named 'The garden of New Zealand'. The soil is a very light, friable loam with a porous sub-soil. The first settlers established themselves on the fern lands which extended down the coast in a belt from two to five miles in width.² Beyond this belt an immense stretch of forest land extended far away into the interior. The settlers, who arrived in the ship 'Oriental' on the 19th November, 1841, and, fortunately, found the surveys in a very advanced state, were delighted with their surroundings. The only complaint was that the settlement had no harbour, so that ships of any size had to anchor in an open roadstead a few miles from the coast, a proceeding which had its dangers in rough weather and always caused considerable delay. But the colonists consoled themselves with the reflection that it appeared impossible to find in New Zealand a first-rate port combined with a district pre-eminent for fertility and other agricultural advantages.³

New Plymouth had a much smaller beginning than either Wellington or Nelson, and for many years after its foundation seemed hardly to increase at all in size. The settlers complained that they were neglected by the Company, which lavished all its care on its own settlements. The unfortunate inhabitants were, moreover, continually harassed by natives, who claimed the lands on which they were settled. Yet they somehow managed in the end to make good. Onlookers watched their struggles sympathetically. Colonel Wakefield considered New Plymouth 'the most hopeful' of the Company's settle-

¹ W. Fox, *The Six Colonies of New Zealand* (London, 1851), p. 36.

² C. Huishouse, *Account of New Plymouth* (London, 1840), p. 13.

³ *Ibid.* p. 88.

ments,¹ while the Bishop of New Zealand spoke of it as 'my favourite settlement' and one 'which pleased me much by its agricultural character, and the absence of attempt to appear what it is not and cannot be'.² In contrast to Wellington, Nelson and New Plymouth started by being pre-eminently agricultural settlements. Later both turned pastoral, but commerce never played an important part in their economy. Trading vessels rarely visited their shores, neither did whalers' or Government expenditure tempt their inhabitants into the paths of commerce. 'Commerce will be the foundation of the success of Port Nicholson' boasted the *New Zealand Journal*.³ The Nelson and Plymouth colonists laid the foundation of a surer rise to prosperity in the tillage of the soil.

The settlement of Auckland was sharply marked off from the above colonies in the manner of its foundation. The Governor and his officials took up residence there, and at once drew a numerous population in their train. Within one year of its foundation the town already numbered 2,000 inhabitants, chiefly drawn from the Australian colonies. As most of them had come to Auckland in the hope of getting rich quickly (and then leaving the country), a spirit of speculation at once manifested itself, and caused an excitement comparable to that which was stirring and soon to ruin the Australians. The town was laid out by the Surveyor-General in an imposing array of quadrants, circuses and crescents, on two bays divided by rising ground.⁴ When the sections were put up to auction

¹ Col. Wakefield to Secretary of the New Zealand Company, 31st March, 1843. C.O. 208/101.

² *Fifteenth Report*, Appendix No. 4.

³ 16th May, 1840.

⁴ S. M. D. Martin, *New Zealand* (London, 1815), pp. 132-133. The writer gives an amusing description of these crescents: 'With the exception of the spot on the top of the ridge, there was not an inch of level ground occupied by those circles, or cobwebs, as they were properly termed. Every circle went down the one side of the steep hill, up the other, and down and up again on the opposite side. . . . Wherever a street could have commanded a fine view of the harbour, it was purposely made a curve and called a crescent, though no regard was paid to the situation of the ground. These crescents, in order to be in character with the town—which is different from any other in the world, whether ancient or modern—were made with a row of houses on each side. The worthy Surveyor-General had such a horrid dislike to nature that he determined, in every possible manner, to oppose it.'

there was such keen competition that 119 sections containing 44 acres were sold for the fabulous sum of £24,300, which, commented Mr. Under-Secretary Stephen, gave an average

that far exceeds the average price of building ground in the neighbourhood of London or of any city in the kingdom.¹

These small allotments were immediately parcelled out by the speculators into diminutive pieces and sold to the arriving settlers, who had at all costs to obtain land on which to erect a house and could obtain it nowhere else. In this way the land-jobbers realised from 200 to 300 per cent. and effectively emptied the pockets of the settlers.² The speculators also seized on the suburban allotments. In September, 1841, according to Dr. Dieffenbach, seventy-three suburban allotments comprising 559 acres were sold for £4,858, or £8 per acre, having been put up to auction at an upset price of £3. No. 2 of these allotments, consisting of 3 acres and 3 rods, was sold for £303, and was cut up directly afterwards into 36 allotments which sold for £7 15s. per foot frontage!³ 'It is amusing,' the writer continues,

to skim over the weekly paper of Auckland, and read the names of about six or eight towns, villages, and even racecourses, none of them above three miles from the town of Auckland, which were put up for sale in the short space of a fortnight.⁴

These excesses were visited with a swift retribution, but which unfortunately did not descend on the heads of the original sinners. By the beginning of 1843 the bubble had burst, and loud complaints were heard on all sides. The settlers naturally laid the blame for all their misfortunes at the door of the Government. When Governor FitzRoy arrived at Auckland in

Ibid. p. 132. Dr. Martin, before he came to New Zealand, was a member of the Legislative Council of New South Wales. He was the editor of a succession of newspapers which were generally opposed to the local government. The book consists of a series of letters written to a friend in New South Wales.

¹ *Memorandum*, 3rd Nov. 1841. C.O. 209/13.

² E. Dieffenbach, *Travels in New Zealand* (London, 1843), vol. i. p. 11. Dr. Dieffenbach came to New Zealand as a naturalist in the service of the New Zealand Company. He proved himself a competent and impartial observer.

³ *Ibid.* p. 15.

⁴ *Ibid.*

July, 1844, an address was presented to him by the inhabitants of the town telling of

the suspension of the land sales as well as of emigration ; the total destruction of the once flourishing commerce of the country ; the state of starvation in which many of the emigrants are existing, with the complete prostration of the energy of the settlers generally, and their desire to leave the colony unless an immediate change for the better can be brought about.¹

It was natural that a society drawn chiefly from New South Wales and making its *début* with the ugly symptoms above described should not compare very favourably with the carefully selected societies of the Company's settlements.² Dr. Martin wrote in January, 1842 :

The town of Auckland, although so very recently established, contains a large population, from 1500 to 2000 persons, and every species of speculation seems to be going on with much the same recklessness as in South Australia and Port Phillip at their first formation. In point of extravagance of living and drinking, the Aucklandites are also much on a par with their neighbours. Indeed, it is in the nature of wild and gambling speculations to encourage extravagance ; for money that is easily made is seldom valued. The Governor and the Government officers, instead of checking this propensity, are in reality the parties who encourage and foster it.³

On the other hand, it is no less true that it was chiefly by Government expenditure that the settlement was kept alive during the first year of its existence.

The population of Auckland was in a continual state of flux ; torn asunder too by internal dissensions. The split was the time-honoured one in which the Government and its friends find themselves opposed by the rest of the community, the opposition evincing itself not only in the political but also in the social sphere. Mushroom newspapers arose on every side to attack the Governor and his ' Botany Bay ' officials with

¹ FitzRoy to Stanley, 14th July, 1844 (Encl. 1). *P.P.* 1845, xxxiii. p. 95.

² For example, crime was more prevalent in Auckland than in the southern settlements. See the statistics for 1817 given in Fox's *Six Colonies of New Zealand*, pp. 42-43.

³ *Op. cit.* p. 131.

virulent abuse, and after a few months' struggling existence as suddenly disappeared.¹

But in spite of this very inauspicious beginning Auckland possessed potentialities of which the settlers needed only to avail themselves with energy and perseverance in order to transform it into a flourishing settlement. The peninsula on which the town was built as well as the land surrounding the firth of the Thames contained good agricultural land. The soil of the valleys of the Waikato, the Waipa, the Piako and the Thames was not surpassed anywhere in New Zealand, while farmers in those regions possessed the advantage of excellent water communication with Auckland.² Thus when settlers of the right type arrived from England, Nova Scotia and elsewhere, the settlement began to revive, though it took a long time to rid the town of its ugly wooden houses and narrow dirty lanes—the relics of the unhealthy period of speculation.

The settlement in the Bay of Islands—the oldest in the colony—may be dismissed in a few words. The town of Kororareka and its inhabitants have been already described.³ The colonists in its neighbourhood proudly called themselves the 'old settlers', and carried on a stubborn war with the Government when the latter refused to give them a Crown title to all the lands they claimed. After the establishment of Auckland, Kororareka slowly but surely fell into decay. More and more the whaling and other ships forsook its harbour for Auckland. Even the Maoris who lived round the Bay of Islands began to notice that there was something wrong with Kororareka; trade was not as flourishing or as profitable as of yore, and the disaffected among them under the leadership of the chief Hone Heke, rose in wrath against the flagstaff that symbolised a wrong,⁴ and the town that protected it. The

¹ 'Our paper has now arrived at the end of the half year, a critical period for almost all the papers that have been started in this place, few of which have reached this age, and still fewer lingered beyond it.' *Southern Cross*, 14th Oct. 1843.

² W. Swainson, *New Zealand and its Colonisation* (London, 1850), p. 221. Mr. Swainson was fifteen years Attorney-General of New Zealand.

³ See above, chapter v.

⁴ The 'wrong' was the advent of a settled government and its levy of customs duties.

former was cut down and the latter burnt to the ground.¹ Kororareka did not recover from this disaster : in 1853, eight years after the sack, it only contained 40 inhabitants.²

§ 2. *Ten Years of Struggle ; Fortunes of the Wakefield System*
(*Economic Aspect*)

For the first year after their settlement conditions were on the whole fairly prosperous in the Company's colonies. Everyone was still living on the capital he had brought from England. But when that capital began to run low, a more difficult period set in, the sort of interregnum between the period when everyone has money and the time when the obstacles to cultivation have been overcome, the nature of the soil is known, and the settlement able to support itself by its own products. It is a period which is well known to the history of colonial enterprise.³ In some colonies it takes a longer, in others a shorter, time to tide over.⁴ In every colony it is a time of discouragement and despair for all but the stoutest hearts. It took the Company's settlements about ten years to become firmly rooted in the soil, and in those ten years they had their full share of privation and discouragement. Progress was painfully slow, and they only just managed to hold their heads above water. During the period 1845-6 the population of the Company's district (excluding New Plymouth) actually decreased by 5.68 per cent. on its amount in 1844.⁵ The civilian population of the Wellington settlement, which in 1842 amounted to about 6,000 (if we can trust the Government returns)⁶ was only 4,758 in

¹ A. S. Thomson, *History of New Zealand* (London, 1850), vol. ii. p. 104.

² *Ibid.*

³ 'It is true that the crisis which usually takes place in new settlements between the time when the expenditure of imported capital ceases and the profits of exportable productions begin, has been and will still be more felt in the town of Wellington.' Col. Wakefield to the Secretary of the N.Z. Co., 16th June, 1843. C.O. 208/101.

⁴ In a few of the American colonies the struggle is said to have lasted for forty years. E. G. Wakefield, *England and America* (London, 1833), vol. ii. p. 65.

⁵ Statistics of New Munster. *P.P.* 1850, xxxvii. p. 1130. After 1846 matters began slightly to mend. The returns of population for 1848 showed an increase of 20.62 per cent. on those of 1846. *Ibid.*

⁶ Abstract of Receipts and Disbursements of the Colony of New Zealand for the years 1840, 1841, and 1842. *P.P.* 1844, xxxiv. p. 781.

that his ancestor had been the first possessor of all, and had never been ousted, and that his ancestor was a huge lizard that lived in a cave on the land many ages ago, and sure enough there was the cave to prove it. Besides the principal claims, there were an immense number of secondary ones—a sort of latent equities—which had lain dormant until it was known the pakeha had his eye on the land. Some of them seemed to be at the time odd enough. One man required payment because his ancestors, as he affirmed, had exercised the right of catching rats upon it, but which he (the claimant) had never done for the best of reasons, *i.e.* that there were no rats to catch. . . . Another claimed because his grandfather had been murdered on the land, and—as I am a veracious pakeha—another claimed payment because *his* grandfather had committed the murder! Then half the country claimed payment of various value, from one fig of tobacco to a musket, on account of a certain *wahi tapu*, or ancient burying-ground, which was on the land, and in which almost everyone had had relations, or rather ancestors, buried, as they could clearly make out in old times, though no one had been deposited in it for about 200 years, and the bones of the others had been (as they said) removed long ago to a *torere*¹ in the mountains.² It took about three months negotiation before the purchase of the land could be made.³

The *fons et origo* of all the trouble was that the chief could not deal with the lands of his people as he pleased. If a tribesman had performed certain acts on a piece of land, the chief of which was, of course, that of cultivation, then that land belonged to him, and he alone could alienate it, albeit only with the consent of his chief. Then there were certain lands held in common by the whole tribe, and these could only be alienated by common consent. But over and above these *intra-tribal* land customs there was another series of customs, which might be called *inter-tribal*, dealing with land rights as between different tribes. The whole of the North Island was thus parcelled out between the separate tribes whose boundaries were formed by permanent natural objects such as hills or rivers. The Maoris had an intense love for their land. Every hill, valley and stream had its individual Maori name. Rarely was land, however 'waste', alienated without regret.⁴

¹ 'A secret burying-place in the woods or on the mountains, known only perhaps to the priest.' (Author's note.)

² *Old New Zealand*, pp. 79-80.

³ *Ibid.* p. 81.

⁴ A. S. Thomson, *The Story of New Zealand*, vol. i. pp. 96-98.

Into this labyrinth of intricate custom Colonel Wakefield, and after him the Government, entered. Within three months, the time it took Maning to purchase his little estate, the Colonel had acquired millions of acres on both sides of Cook's Strait. His proceedings were hurried by a haunting fear of the 'Sydney speculators', whom he knew to be at his heels.¹ In September, 1839, five weeks after his arrival, he had purchased the Port Nicholson district, a territory 'forty or fifty miles in length by twenty-five or thirty in breadth'.² Then he went to the Island of Kapiti to purchase the lands of Rauparaha, that great destroyer of the Cook's Strait tribes, of Rangiaeata, his general, of Hiko and of the other chiefs of the Ngatittoa tribe. This transaction completed, he declared that he had acquired for the Company lands extending 'from the 39th to the 43rd degree of latitude on the west coast and from the 41st to the 43rd on the eastern,' lands comprising an area of about twenty million acres.³ He did indeed admit that in this vast territory there were still a few *enclaves* to be bought, but he conceived that the operation would be an easy one.⁴ In November he bought the lands around Queen Charlotte Sound,⁵ and in February, 1840, completed the purchase of Taranaki by satisfying the claimants on the spot,⁶ having already (as he thought) quieted the claims of the Cook's Strait tribes who had formerly occupied that region.

The purchases were conducted, as far as possible, in a manner suited to the Maori character. Whenever Colonel Wakefield wished to purchase a particular tract of country he would hold a *korero*,⁷ to which came as many of the chiefs and tribesmen of the neighbourhood as could be persuaded to attend. The goods that were to form the consideration for the purchase were spread out (either on shore or on the deck of the 'Tory') before the covetous gaze of the natives. Then the *korero* commenced. Speeches were delivered full of the eloquence for which Maori orators are famous, spiced with picturesque metaphor and apt allusion, some

¹ *Journal*, 24th Oct. 1839.

² *Ibid.* 24th Sept. 1839.

³ *Ibid.* 24th Oct. 1839.

⁴ *Ibid.*

⁵ *Ibid.* 8th Nov. 1839.

⁶ E. J. Wakefield, *Adventure in New Zealand*, part i. chap. vi. The negotiations were carried through by Barrett.

⁷ A native assembly where questions are debated.

lands within the Company's settlements had been adopted. The extinction of the native title to the Wanganui 'block', which E. J. Wakefield had purchased for the Company in 1840, furnishes a good illustration. Early in 1846 Governor Grey persuaded the natives to accept the compensation of £1,000 which they had persistently refused before. When, however, his commissioner arrived at Wanganui in May, 1846, to settle the matter, he found that a new tribe of claimants had appeared who claimed one-fifth of the whole block 'and who had wholly escaped the enquiries and notice of the Commissioner of Land Claims and the Protector of Aborigines'.¹ The natural greed of the native character was stimulated by the lure of compensation and a fillip given to their propensities for lying and circumvention. 'If once the cupidity of the natives is excited', wrote Governor Grey in 1847, 'it is impossible to satisfy them'.² Spain himself, who had begun his investigation with a distinct bias in favour of the natives, was brought at length to the same conclusion.

In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon, they began to object to accept it, and to propose terms that could not be entertained.³

Finally, a strange light is thrown on some of these claims to compensation for ancestral lands by the admission that

at the Hutt, Wanganui, Taranaki⁴ and other places, the natives attracted by European settlements, and feeling the advantages of bartering with the settlers, have come and cultivated land in the immediate neighbourhood of these places, which they would not otherwise have thought of taking possession of.⁵

As time passed claims of this nature became more numerous.

Spain arrived at Auckland in December, 1841, and immediately proceeded to Wellington. There had been a few cases of repudiation even before his arrival, but now a host of people sprang up who claimed ownership to land in the Company's

¹ Governor Grey to Gladstone, 24th June, 1846. *P.P.* 1847, xxxviii. [837], p. 49.

² Governor Grey to Earl Grey, 4th March, 1847. *P.P.* 1847-8, xliii. p. 260.

³ Spain to FitzRoy, 2nd July, 1844. *P.P.* 1845, xxxiii.

⁴ In these three cases compensation was actually paid.

⁵ *Ibid.*

settlements, and denied ever having parted with their rights. The Company had prudently waived its claim to the 20 million acres of Colonel Wakefield's 'purchase', and had received instead an award of about one million acres on the score of expenses incurred in the cause of colonisation. Spain soon discovered that, so far from being able to prove a title even to this curtailed area, the Company possessed hardly a pretence of one to any of the lands it had bought.¹ If there was any territory to which the Company believed it had an unimpeachable title, it was the lands comprised within the limits of its first and principal settlement. Yet in the very heart of that settlement, in the town of Wellington itself, the natives strenuously denied the sale of their four pas or villages Tiakarai, Pipitea, Kumatoto, and Te-Aro.² Sections had been laid out and allotted in all the villages, and Te-Aro lay in the commercial portion of Wellington where land was very valuable.

The same repudiations occurred wherever Spain went, or, to speak more accurately, everywhere tribes of families arose claiming that they had been overlooked at the original sale and requiring compensation. Spain visited each separate district in person, fixing his court at Wellington, the Manawatu, Wanganui, Taranaki (New Plymouth) and Nelson in turn. Consequently his Final Reports were not ready until March 1845—three years after he had arrived in the country.³ And these Final Reports left the land question as far from settlement as ever. The only claims that were really settled by them were those at Nelson, for the extinction of which the Company had to pay £800.⁴ At Wellington, where £1,500 was paid in compensation and the Company received a grant of

¹ Shortland to Stanley, 21st Oct. 1843 (Encl.). *P.P.* 1844, xiii. pp. 592-5.

² *Ibid.* Col. Wakefield tried hard but unsuccessfully to persuade the natives to abandon their 'filthy pas' and settle on the reserves marked out for them. The Company's reserve system, which sounded so well in England, would not work in New Zealand, simply because it took no account of the native character. The natives did not like to leave their villages, especially for lands that had belonged to other tribes or families. Grey to Gladstone, 14th Sept. 1846. *P.P.* 1847, xxxviii. [837] pp. 62-4.

³ FitzRoy to Stanley, 13th Sept. 1845. *P.P.* 1846, xxx. p. 4.

⁴ *Ibid.* p. 41-4.

advocating the sale of the land to the *pakeha* in order that the white man might live among the Maori and teach them his arts, others urging its retention lest they and their descendants become helots in their own land. The upshot generally was that the assembly succumbed to the temptation of the merchandise, and decided to sell. There ensued an undignified scramble at which as often as not some tribes or families were despoiled of their share of the goods.¹ Altogether Colonel Wakefield distributed about £9,000 worth of goods in these preliminary purchases, the articles offered the savages including shirts, jackets, trousers, pocket-handkerchiefs, pocket-knives, ribbons, umbrellas, razors, looking-glasses, red nightcaps, and Jews harps!² But the objects to which the natives attached most value, and for which they were always clamouring, were muskets, single and double-barrelled guns, cartridges and gunpowder.³ The colonists were to pay dearly in later years for the distribution among the Maoris of these implements of war. The natives who committed the Wairau massacre probably used the Company's muskets against the Company's own settlers.

For a time the Maoris, except in a few isolated instances, did not contest the validity of the Company's purchases, and continued on good terms with the settlers. But the period of tranquillity came to a sudden end with the arrival at Port Nicholson of Mr. William Spain, an officer appointed by Lord John Russell as the Queen's Commissioner for adjudicating upon land claims in the Company's district. The confusion that ensued might have been avoided had Spain acted according to the Colonial Secretary's statesmanlike wish that he should 'execute the law with a view rather to prevent future mischief than with the expectation of being able to redress satisfactorily past wrongs'.⁴ For this purpose, as a well-known New Zealand

¹ Such 'koreros' are described by E. J. Wakefield in his *Adventure in New Zealand*, pp. 61-65 and 99-100. The negotiations described on pp. 99-100 consumed eight days.

² W. P. Reeves, *The Long White Cloud* (London), 1898, p. 175.

³ *Ibid.* Colonel Wakefield defended this traffic in arms by saying that, if he did not supply the Maoris with arms, the Sydney speculators would. *Journal*, 28th Oct. 1839. C.O. 208/307.

⁴ *Memo.* by Lord John Russell, 12th March, 1841. C.O. 209/3.

writer has put it, 'speed' was the first thing needful, also the second, also the third'.¹ Spain chose to make a minute investigation into Maori ideas about land-ownership (certainty upon which, he had afterwards to confess, was unattainable for a white man), and to consume months in the examination of native witnesses whose evidence he seemed to prefer to that of Colonel Wakefield and his friends.² Almost any award quickly made and firmly enforced, provided that it confirmed the Company in the lands it required for its colonising operations, would have been preferable to the course of action which was actually adopted. Though taken ostensibly in favour of the Maoris, these benefited as little as the whites. 'There are in New Zealand', wrote Spain in 1844 'so many millions of acres of first-rate land upon which the human foot has scarcely trod that it seems a shame that people should be quarrelling about land'.³ But those quarrels were the result of the policy of the Local Government of which he was the executor in Cook's Strait.

An apparent antagonism (which was in reality wholly false) was soon established between the interests of the whites and those of the Maoris. The real antagonism was the old one between the missionary and the colonising principle. The colonists were convinced that the missionaries were urging the natives to stick to their lands, even to those which were entirely useless to them, and to put forward unjustifiable claims. Certain it is, that as the investigation continued to drag its weary course, it was rendered ever more complicated by the sudden emergence of new claimants whose existence had never been suspected. These claimants became especially importunate when the principle of compensation to natives who claimed

¹ W. P. Reeves, *op. cit.* p. 187.

² Col. Wakefield declared that Rauaparaha and other Ngatitōa chiefs had conveyed to him extensive tracts of land on both sides of Cook's Strait. The latter denied the sale, saying that they had only sold lands in Blind and Massacre Bays. Spain accepted this denial (FitzRoy to Stanley, 13th Sept. 1845; Spain's Reports, No. 2. *P.P.* 1846, xxx. pp. 35-8), though Governor Grey subsequently confessed that 'he should doubt the sincerity and fair dealing of the majority of the Ngatitōa tribe in any question of the kind' (*i.e.* involving land). Governor Grey to Earl Grey, 7th April, 1847. *P.P.* 1847-8, xliii. p. 272.

³ Spain to FitzRoy, 2nd July, 1844. *P.P.* 1845, xxxiii.

lands within the Company's settlements had been adopted. The extinction of the native title to the Wanganui 'block', which E. J. Wakefield had purchased for the Company in 1840, furnishes a good illustration. Early in 1846 Governor Grey persuaded the natives to accept the compensation of £1,000 which they had persistently refused before. When, however, his commissioner arrived at Wanganui in May, 1846, to settle the matter, he found that a new tribe of claimants had appeared who claimed one-fifth of the whole block 'and who had wholly escaped the enquiries and notice of the Commissioner of Land Claims and the Protector of Aborigines'.¹ The natural greed of the native character was stimulated by the lure of compensation and a fillip given to their propensities for lying and circumvention. 'If once the cupidity of the natives is excited', wrote Governor Grey in 1847, 'it is impossible to satisfy them'.² Spain himself, who had begun his investigation with a distinct bias in favour of the natives, was brought at length to the same conclusion.

In cases where they have only sought for compensation, and never denied a partial sale, the moment the amount to be paid them was decided upon, they began to object to accept it, and to propose terms that could not be entertained.³

Finally, a strange light is thrown on some of these claims to compensation for ancestral lands by the admission that

at the Hutt, Wanganui, Taranaki⁴ and other places, the natives attracted by European settlements, and feeling the advantages of bartering with the settlers, have come and cultivated land in the immediate neighbourhood of these places, which they would not otherwise have thought of taking possession of.⁵

As time passed claims of this nature became more numerous.

Spain arrived at Auckland in December, 1841, and immediately proceeded to Wellington. There had been a few cases of repudiation even before his arrival, but now a host of people sprang up who claimed ownership to land in the Company's

¹ Governor Grey to Gladstone, 24th June, 1846. *P.P.* 1847, xxxviii. [837], p. 49.

² Governor Grey to Earl Grey, 4th March, 1847. *P.P.* 1847-8, xliii. p. 260.

³ Spain to FitzRoy, 2nd July, 1844. *P.P.* 1845, xxxiii.

⁴ In these three cases compensation was actually paid.

⁵ *Ibid.*

settlements, and denied ever having parted with their rights. The Company had prudently waived its claim to the 20 million acres of Colonel Wakefield's 'purchase', and had received instead an award of about one million acres on the score of expenses incurred in the cause of colonisation. Spain soon discovered that, so far from being able to prove a title even to this curtailed area, the Company possessed hardly a pretence of one to any of the lands it had bought.¹ If there was any territory to which the Company believed it had an unimpeachable title, it was the lands comprised within the limits of its first and principal settlement. Yet in the very heart of that settlement, in the town of Wellington itself, the natives strenuously denied the sale of their four *pas* or villages Tiakarai, Pipitea, Kumatoto, and Te-Aro.² Sections had been laid out and allotted in all the villages, and Te-Aro lay in the commercial portion of Wellington where land was very valuable.

The same repudiations occurred wherever Spain went, or, to speak more accurately, everywhere tribes of families arose claiming that they had been overlooked at the original sale and requiring compensation. Spain visited each separate district in person, fixing his court at Wellington, the Manawatu, Wanganui, Taranaki (New Plymouth) and Nelson in turn. Consequently his Final Reports were not ready until March 1845—three years after he had arrived in the country.³ And these Final Reports left the land question as far from settlement as ever. The only claims that were really settled by them were those at Nelson, for the extinction of which the Company had to pay £800.⁴ At Wellington, where £1,500 was paid in compensation and the Company received a grant of

¹ Shortland to Stanley, 21st Oct. 1843 (Encl.). *P.P.* 1844, xiii. pp. 592-5.

² *Ibid.* Col. Wakefield tried hard but unsuccessfully to persuade the natives to abandon their 'filthy *pas*' and settle on the reserves marked out for them. The Company's reserve system, which sounded so well in England, would not work in New Zealand, simply because it took no account of the native character. The natives did not like to leave their villages, especially for lands that had belonged to other tribes or families. Grey to Gladstone, 14th Sept. 1846. *P.P.* 1847, xxxviii. [837] pp. 62-4.

³ FitzRoy to Stanley, 13th Sept. 1845. *P.P.* 1846, xxx. p. 4.

⁴ *Ibid.* p. 41-4.

60,000 acres in return, the question was only partially settled.¹ Governor FitzRoy wrote :

All the other claims of the New Zealand Company reported on by Mr. Commissioner Spain are disputed by the natives, and cannot be fully occupied by settlers . . . until very large additional payments have been made with great care, much time, and an amount of difficulty few will encounter. ²

The other 'claims' referred to were those at Porirua, the Wairau, the Manawatu and Wanganui.³ At Taranaki alone Spain reported in favour of the Company, making it a grant of 60,000 acres on the payment of an additional £200 to the natives.⁴ This award Governor FitzRoy was pleased to quash without having read a line of the evidence on which Spain acted.⁵ Instead he awarded the Company a block of 3,500 acres immediately around the town of New Plymouth (for which he paid the natives £350), and compelled those settlers who had built houses and were cultivating lands outside the block to remove within its precincts,⁶ paying them a very inadequate compensation for their losses.⁷ Grey tried to undo his predecessor's mischievous work by repurchasing a portion of the Company's original block from the natives, but the bad feeling already engendered was never completely allayed.⁸ The Maori wars of the sixties had their origin at Taranaki, and at their outbreak the whole settlement of New Plymouth with the exception of the town went up in smoke.

Not having a title to the lands themselves the Company's

¹ *Ibid.* pp. 9-13.

² *Ibid.* p. 3.

³ In these districts Spain made the following awards : At Wanganui—40,000 acres, provided the Maoris could be induced to accept the £1,000 offered as compensation ; at the Manawatu—100 acres, with the right of pre-emption over the rest of the territory claimed ; at Porirua (near Wellington)—nothing ; at the Wairau (near Nelson)—nothing. *Ibid.* pp. 82-3, 104-5, 98, 43-4.

⁴ *Ibid.* pp. 63-4.

⁵ *Ibid.* p. 61.

⁶ FitzRoy to Stanley, 19th Dec. 1844 (Encl. 2). *P.P.* 1845, xxxiii. pp. 343-4.

⁷ Governor Grey to Earl Grey, 2nd March, 1847. *P.P.* 1847-8, xliii. p. 258.

⁸ *Ibid.* As early as 1844 Colonel Wakefield foresaw that the New Plymouth block might become 'the battlefield of the New Zealand tribes'. *Eighteenth Report*, Appendix No. 37.

Directors could not give any to their settlers. Grants to the Wellington and Nelson lands were issued to the Company in 1845, but it refused to accept them on account of the various restrictions which largely invalidated the grants.¹ Even after the necessary alterations had been made by Governor Grey, and the grants at length accepted, many settlers could not be put in possession of their sections in the town of Wellington, because they were comprised in the 'pas' from which the natives could not be moved without their own consent. In the year 1847, 633 natives were still cultivating 639 acres in the town, of which 528 acres were on sections sold to Europeans.² Grey proceeded as briskly as he could with the work of extinguishing the native title, and by 1849 the Company was in possession of all the lands³ which it had claimed before Spain's tribunal, and of much more besides. But even now, in spite of the fact that it had received an authorisation from the Colonial Office to issue legal titles to its settlers, delays ensued, and when the Company expired in 1850 it had not issued a single title.⁴

The uncertainty as to the validity of their land purchases caused the settlers much irritation. It helped to sap their energies, and retarded the progress of the infant settlements.⁵ But a more serious cause of annoyance and alarm was the changed attitude of the natives. The first symptoms of this change were shown as early as April, 1840, when the Maoris, alleging that they had never sold the site, tried to prevent the surveys for the town at Lambton Harbour, and the surveyors

¹ Harrington to Gladstone, 28th Feb. 1846. *P.P.* 1846, xxx.

² Governor Grey to Earl Grey, 21st April, 1847. *P.P.* 1847-8, xliii. p. 294.

³ The lands at the Manawatu excepted.

⁴ Governor Grey to Earl Grey, 25th Sept. 1851. *P.P.* 1852, xxxv. p. 139.

⁵ The newspapers of the Company's settlements were continually demanding 'titles' in the name of the settlers. On 25th Feb. 1843, the *Nelson Examiner* spoke of 'the vast barrier to progress that is presented by the unsettled state of the question as to title to our lands'. But the magnitude of this particular evil may easily be exaggerated. The *bona fide* settlers did in fact occupy their sections, trusting that the Government would ultimately be compelled to issue titles. Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 35.

had to go armed to their work. The arrival of Spain completed the unsettlement of the native mind.¹ It became daily more evident that the Government was bent on indulging their whims and fancies as far as it possibly could, and in their savage manner they interpreted this indulgence as a sign of weakness. The Government let it be known (and the Sub-Protector of Aborigines for the Southern District, a youth of eighteen years old, of no education, tact or experience,² took care that the natives understood all the implications), that it could not protect settlers occupying lands disputed by the natives.³ This gave the Maoris their opportunity. Under the pretence of a desire to remove settlers from lands wrongfully occupied, they carried out a series of depredations on the Company's settlements which the small armed force stationed at Wellington, even had it been willing to do so, was utterly unable to prevent.⁴ The settlers, realising that the only way to make the natives respect them was to show a formidable front, solicited the permission of the Local Government to organise a militia. But the Government feared unprovoked attacks on an 'inoffensive' people, and, in the teeth of the instructions of two Colonial Secretaries, refused its assent.⁵

¹ Halswell to Col. Wakefield, 4th June, 1842. C.O. 208 99. Mr. Halswell was the Company's Commissioner for the management of its native reserves. When the Government took over its administration, Halswell, in spite of his undoubted ability, was unceremoniously superseded.

² Shortland to Stanley, 20th Oct. 1843 (Encls. 3 and 4). *P.P.* 1844, xiii. pp. 573-8.

³ He was a son of Missionary Clarke, the Chief Protector of Aborigines. Spain described him as being incompetent, incapable of exertion, and despised by the natives. FitzRoy to Stanley, 13th Sept. 1845 (No. 1). *P.P.* 1846, xxx. pp. 9-11.

⁴ Until the year 1843 the protection of the whole of the Company's district was entrusted to a few police constables. After the Wairau massacre Sir Everard Home cruised through Cook's Strait for a short time with a few hundred soldiers on board. He soon returned to Auckland with the intelligence that all was quiet in the south. Fifty-three soldiers were left behind at Wellington, while Nelson, New Plymouth and Wanganui remained as unprotected as before. This state of affairs continued until the advent of Governor Grey. Supplement to the *N.Z. Gazette*, 2nd Sept. 1843. See also Shortland to Stanley, 7th Nov. 1843. *P.P.* 1844, xiii. pp. 655-7.

⁵ Both Lord John Russell and Lord Stanley had sent instructions to New Zealand enjoining the creation of a militia. See chap. viii. § 1.

At first, while still under the influence of ideas formed in England, the colonists rather underrated the fighting qualities of the Maoris. But a terrible catastrophe rudely shattered all their illusions. The details of the Wairau massacre are well known : how Captain Wakefield, wishing to find lands for the country sections of the Nelson scheme, sent surveyors to the valley of the Wairau, about seventy miles from Nelson, where there was a large extent of fertile land which was uninhabited save for the presence of a few Maori stragglers ; how Rauparaha and Rangiaeaata, who claimed the Wairau territory by right of conquest, crossed over from the island of Kapiti with a few followers to prohibit the surveys and, when the surveyors persisted, burnt their hut, having first removed their belongings therefrom ; how a warrant for arson was obtained against the Maori chiefs, and the Police Magistrate embarked with forty-nine settlers, including the leaders of the Nelson community, to execute it ; the sailing up the Wairau in two boats, the attempted arrest, the firing of the first shot (presumably by one of the whites), the retreat that became a rout, the surrender of Captain Arthur Wakefield and four of his friends in order to save the lives of their followers, their massacre in cold blood by savages flushed with victory.¹ All this has been related again and again in official documents, in colonists' memorials, in many a book dealing with the early history of New Zealand, and everywhere the rights and wrongs of that tragic occurrence have been eagerly canvassed. At the Colonial Office they did not take long to make up their minds. Lord Stanley, in his famous despatch of 10th February, 1844, laid all the emphasis on the illegal and impolitic procedure² of the whites, while he tried to extenuate the conduct of the natives.

The whites needlessly violated the rules of the law of England, the maxims of prudence, and the principles of justice.

¹ Shortland to Stanley, 13th July, 1843. *P.P.* 1844, xiii. pp. 453-9.

² There can be only one opinion about the line taken by the Nelson party. That opinion justifies the use of the words ' illegal and impolitic '. The Company's settlers naturally defended their friends, and so did Col. Wakefield in his public letters. But in a private letter he wrote : ' I consider that poor Arthur's life has been sacrificed by a hot-headed, inexperienced man [the Police Magistrate], who exasperated the natives by gesticulation and threats, when they might have been subdued by firmness and calmness.' Col. Wakefield to Rev. Charles Torlesse, 29th June, 1843. B.M. MS. Add. 35261.

As to the question of responsibility,

I do not know to devolve . . . responsibility on the natives ; they exercised the rights of self-defence, and of mutual protection against an imminent, overwhelming, and deadly danger. ¹

But our concern is chiefly with the results of the massacre. It produced consternation in all the Company's settlements. The colonists suddenly realised their defencelessness. The former over-confidence was displaced by a feeling of exaggerated alarm. Colonel Wakefield wrote home that Rauparaha's followers were mustered fifteen miles from Port Nicholson, and that an attack might be expected at any moment.² The Wellington citizens showed their sense of the gravity of the situation by appointing a Committee of Public Safety, which enrolled 669 men as special constables, in spite of the Local Government.³ At Nelson they did likewise, though there the native population numbered only a few hundreds.⁴ The expected attacks were not delivered at the time and the alarm gradually subsided.

But the prestige of the whites had sustained a severe blow. Not only had a handful of natives dispersed a much more numerous body of Europeans, but the Local Government had let the affair pass unnoticed, indeed had even justified the conduct of the Maoris, and thereby, according to Maori notions, proved its powerlessness. Hitherto the words of Police Magistrates and Protectors had had some influence ; in future the argument of force alone would be of any avail. Pillaging and burning now became the order of the day. To the valley of the Hutt there came a certain Taringa Kuri who had once before Spain's Court admitted the sale of his lands, but now, at the instigation of Rangiaeta and Rauparaha,⁵ claimed additional compensation. He clinched his arguments by expelling a few settlers from their homes and taking possession of their cultivations.⁶ In 1846 matters came to a head. In

¹ Stanley to FitzRoy, 10th Feb. 1844. *P.P.* 1844, xiii. p. 461. Stephen was responsible for the wording of this despatch.

² Col. Wakefield to Secretary of N.Z. Company, 12th Sept. 1843. C.O. 208/101.

³ Supplement to the *New Zealand Gazette*, 2nd Sept. 1843. ⁴ *Ibid.*

⁵ Col. Wakefield to the Secretary of New Zealand Company, 29th Aug. 1842 (Encl.). C.O. 208/100.

⁶ *Ibid.*

March six houses were plundered on the Hutt, and fourteen on the Waiwetu, and the settlers expelled, being left with 'nothing but the clothes they had on at the time of their [the Maoris'] visit'.¹ The *New Zealand Spectator* wrote on 30th May :

Cultivation has been almost entirely stopped and . . . the settlers have been compelled to leave the country and take refuge in the town.

Rangiaeaata had now openly joined the insurgents and was responsible for some atrocious murders.² Governor Grey wrote :

. . . When Her Majesty's naval and military forces arrived here in February last . . . British authority was neither recognised nor could be enforced at the distance of only a few miles from the town, if indeed it could be certainly enforced within the town itself.

So far, he continued, the troops have done nothing but defend themselves.

Even in their immediate vicinity the natives were masters, robbing and pillaging as they pleased.³

At Nelson they had long got tired of waiting for the assistance that never came, and, when in January, 1845, a chief named Paramatta threatened to expel certain settlers from their lands, the inhabitants of their own accord assembled under arms and cowed him into submission.⁴ At Wanganui the settlers fared much worse. There were only 136 of them there all told, and thousands of natives surrounded the settlement. So many hardships did they suffer that in 1846 there were only six households left, and these asked the Governor to be removed to some more peaceful spot.⁵

When Grey succeeded FitzRoy as Governor of New Zealand the prospect for the southern settlements was black indeed. Fortunately the new Governor was of a different calibre from

¹ *New Zealand Spectator*, 7th March, 1846.

² Governor Grey to Gladstone, 20th July, 1846. *P.P.* 1847 [763], pp. 37-8.

³ Governor Grey to Earl Grey, 22nd April, 1846 (Encls. 3). *P.P.* 1847, xxxviii. [763], pp. 9-11.

⁴ *Eighteenth Report*, Appendix 56.

⁵ Governor Grey to Gladstone, 25th June, 1846. *P.P.* 1847, xxxviii. [837], p. 54.

his two predecessors, and he set to work with a will. Having quelled Heki's insurrection in the north, he embarked for Wellington with 500 troops, arriving there at the beginning of 1846. The operations, however, seemed to progress but slowly, and the settlers accused Grey of unnecessary delay. But they did not realise the difficulties of dealing with a ubiquitous foe who had such excellent country as the mountainous vicinity of Wellington to operate in. To meet such a situation there were no roads or military establishments of any kind,¹ and it was a very creditable performance to have cleared the country round Wellington of marauders in less than nine months.² Renewed outbreaks of a serious nature occurred at Wanganui in the following year, but when these were quelled in September the southern settlements enjoyed peace at last.³

To what extent did these native troubles actually retard the development of the Company's settlements? ⁴ The question is a difficult one to answer. The outlying settlers suffered, and one small settlement was temporarily abandoned. But it is doubtful whether there would, in any case, have been much expansion during this early period. The Wellington settlers, as has been pointed out, did not take kindly to the land. Again, neither at Nelson nor at New Plymouth ⁵ was there at this time any want of land. Finally, although the former settlement suffered hardly at all from native violence, its struggles and difficulties were every whit as serious as those of the other settlements. It is clear, therefore, that the primary causes of the ruin of the Company's scheme must be looked for elsewhere.

Absenteeism was an important contributory factor. The Company sold the sections in its settlements to all who would

¹ Grey to Stanley, 22nd April, 1846 (Encl. 3). *P.P.* 1847, xxxviii. [763], pp. 9-11.

² In Sept. 1846, Grey wrote that the dispersion of the rebels was complete. Grey to Gladstone, 18th Sept. 1846. *P.P.* 1847, xxxviii. [763], p. 51.

³ Governor Grey to Earl Grey, 3rd Sept. 1847. *P.P.* 1847-8, xliii. p. 356.

⁴ Native trouble and uncertainty as to title probably exercised a greater effect outside than inside the colony. They had an important bearing on the cessation of emigration to New Zealand after 1842.

⁵ Except perhaps during the short time that Governor FitzRoy's award held good. See above, p. 130.

buy, without enquiring whether or not the purchasers intended to proceed to New Zealand. It thought that, when once a sufficient number of labourers had been sent out by means of the funds derived from the land sales, the 'capitalists' would be only too ready to follow.¹ Even where the land had been bought as a mere speculation, it seemed reasonable to suppose that it would be sold to real colonists as soon as the settlers had struck root. But this ratiocination left the element of time entirely out of account. How many years would it require for the settlements to take root, and in the meantime what was to become of the labourers dumped upon the shores of New Zealand?

Wakefield realised too late that the evils of absenteeism, which none denounced more eloquently than he, were inherent in his own system as applied by the New Zealand Company to the formation of new colonies. A Select Committee of Grey's Legislative Council reported:

The existence of a large absentee proprietary and the dispersion of the colonists' lands thereby caused, have been complained of as among the greatest defects in the Company's scheme of colonisation.²

The Nelson settlement affords a typical case. The Company sold (in England) 442 properties to 315 purchasers, of whom only 80, proprietors of 109 allotments, went to Nelson at different times.³ Three-fourths, therefore, of the original Nelson proprietors were absentees. As late as September, 1851, of the entire 440,000 acres held from the Company, no less than 320,000 acres were owned by absentees.⁴

¹ Harrington to Col. Wakefield, 14th Oct. 1843. C.O. 208/166.

² Governor Grey to Earl Grey, 25th Sept. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 153.

³ Cowell to Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 31. On the other hand, they sent out 3,100 souls of the labouring class of whom 920 were male adults. This, if we deduct the labourers employed by absentees' agents or the Company, would give six adults to every resident proprietor, which at £40 per annum per labourer would require from each 'capitalist' an expenditure of £240 per annum on wages alone. But in April, 1845, only 1,296 acres had been cultivated by these settlers, *i.e.* 16 acres for each settler in three years. *Ibid.*

⁴ Governor Grey to Earl Grey, 25th Sept. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 157.

The resulting inconveniences (to use no stronger term) were patent to every colonist. The *Nelson Examiner* wrote :

There are many things which are exceedingly vexatious about the absentee proprietorship. One's land has to be fenced wholly at one's own expense ; whereas in equity the outlay should be divided between oneself and one's neighbours. No assistance can be procured if extensive draining is required ; no help of any sort in the general improvements by which the unoccupied land next door is equally benefited as one's own. Then to the looker-on . . . the numerous evils arising from no powers, limited powers,¹ land lying unlet, short leases, high rents, etc., etc., are continually occurring, and he has more frequently on his lips than is really fair towards them, ' Confound those absentees, they do us a vast deal more harm than they are worth.'²

The *New Zealand Gazette* at Wellington endorsed these sentiments, and threatened that, unless absentee claims were abolished, the colonists would be compelled to leave Port Nicholson and settle at Otago and Port Cooper.³ Concentration, it continued, was an absolute necessity. At the moment the colonists' holdings were scattered, with unoccupied tracts interspersed between them, a state of affairs which had effectively prevented the construction of roads.⁴

Absenteeism also produced evils of a different nature. Many of the labouring emigrants could not find employers, and were consequently thrown on the hands of the Company, the latter having guaranteed them employment.⁵ Wellington was practically immune from this particular evil,⁶ since it did not depend for its existence only on agriculture. But at Nelson and New Plymouth unemployment reached such an alarming pitch during the first years after their foundation that their very existence was threatened. At New Plymouth, Colonel Wakefield ' found nearly everybody . . . living more or less on the Company's means ', and at Nelson there were 300 labourers on the Company's hands.⁷ When this state of affairs became known in London instructions were sent to

¹ The ' powers ' referred to are those of absentees' agents.

² 18th Feb. 1843. ³ 21st Aug. 1844. ⁴ *Ibid.* ⁵ See above, p. 63.

⁶ Col. Wakefield to Secretary of N.Z. Company, 8th March, 1843. C.O. 208/101.

⁷ Col. Wakefield to Secretary of N.Z. Company, 10th Sept. 1843. C.O. 208/185.

New Zealand urging a strict economy on the agents, and enjoining them in no circumstances to employ persons who had once found private employment except in cases of 'actual physical suffering from destitution'.¹ Its Secretary also announced that the Company had decided to stop granting free passages.² Colonel Wakefield did his best to carry out his instructions. He reduced the scale of wages for labourers in the Company's employment from 20 shillings per week with rations to 18 shillings without,³ and later to 16 shillings.⁴ But even these starvation wages failed to rid the Company of their labourers. The agent at New Plymouth then tried a novel scheme. He sent his men a distance of 22 miles into the country 'where there was little or no shelter' to work, 'making no allowance for the time spent on the journey or for time lost in bad weather'.⁵ But he could not get rid of them, although at the end of every week they returned 'many sick and all miserable and discontented'.⁶ In the end they threatened to lay violent hands on him⁷ and to burn the Company's establishments.⁸

At Nelson the position was still more critical. Throughout the year 1843 the Company's agent was spending £1,500 per month in wages to labourers.⁹ Fortunately he had at his disposal the sum of £40,000, to the extent of which the Government had promised to reimburse the Company for money spent on public works.¹⁰ But even so the labourers got completely out of hand. When Colonel Wakefield attempted to lower their wages, all the 'gangs' into which the workmen were divided revolted, assaulted the Superintendent of Public

¹ Ward to Col. Wakefield, 22nd June, 1843. C.O. 208/166.

² Harrington to Col. Wakefield, 14th Oct. 1843. C.O. 208/166.

³ Col. Wakefield to Secretary of N.Z. Company, 8th March, 1843. C.O. 208/166.

⁴ *Ibid.* 31st March, 1843. C.O. 208/161. These wages are for men with families. Unmarried men were earning only 8s. per week.

⁵ Wicksteed to Col. Wakefield, 31st Aug. 1843. C.O. 208/91.

⁶ Others 'commenced the trade of pig and sheep stealing'. *Ibid.*

⁷ *Ibid.*

⁸ Wicksteed to Col. Wakefield, 31st Oct. 1843. C.O. 208/91.

⁹ Fox to Col. Wakefield, 19th Dec. 1843. C.O. 208/85.

¹⁰ Col. Wakefield to Fox, 4th Sept. 1843. C.O. 208/85.

Works and committed other disgraceful acts of violence.¹ They formed 'extensive combinations', refusing to do more work than they considered their wages were worth.² There was no police force at Nelson, and for a time the workmen had the whole settlement at their mercy. The Resident Agent was forced to yield to all their demands, which included the substitution of piece-work at high rates for day labour.³

It is difficult not to sympathise with the labourers. Attracted to New Zealand by the promise of a life of plenty and freedom from care in the best country in the world they found themselves in a position where they had to struggle harder than ever in England to keep the wolf from the door. And when in August, 1844, the news reached New Zealand that the Company had suspended payment, their position seemed desperate, for by that time the 'haves' had found means of defending their possessions against any attempt by the 'have-nots'. But in this extremity a new hope was born. So far all the settlements had been living more or less on the Company's expenditure. As this artificial state of things could not continue for ever, the sooner it came to an end the better. No one doubted that a period of acute suffering would have to be gone through before a point of stable equilibrium was again reached. The Auckland *Southern Cross* even believed that 'to the Company's own settlements its dissolution will be a death-blow', and urged the Governor to bring the poor, ruined settlers to Auckland.⁴

But once established, colonies are not so easily destroyed. Something, indeed, had to be sacrificed, and that was the economic side of the Company's system. Its agents on the spot soon realised that the prevention of labourers from becoming landowners was beside the mark in a country where landowners were so lamentably deficient.⁵ The only way of

¹ Tuckett to Col. Wakefield, 30th Aug. 1843. C.O. 208/85.

² Col. Wakefield to Secretary of N.Z. Company, 10th Sept. 1843. C.O. 208/85.

³ Fox to Col. Wakefield, 1st Nov. 1843. C.O. 208/85.

⁴ 17th Aug., 1844.

⁵ E. G. Wakefield drew a sharp distinction between the landowner and the labourer. In the colony, experience taught them that at least some labourers ought to own land in order to support themselves during the slack season.

granting permanent relief to the unemployed was to settle them gradually on the land. This policy was inaugurated in all the settlements some time before the Company suspended its operations. Colonel Wakefield empowered his subordinates at Nelson and New Plymouth to lease or sell to labouring applicants (on part payment) small allotments¹ ranging from one quarter of an acre to ten acres in extent. At the end of a stipulated period, generally ten years, each occupant entered into full ownership on payment of the full price of his allotment.² The Company strongly objected to these sales by 'private contract', urging that it constituted a breach of faith and as such had already been attacked by the absentees in England.³ It was pointed out in reply that the cultivation of allotments by labourers was advantageous to the absentees, because it increased the value of their property.⁴ The results of this new policy were soon apparent in all the settlements. In January, 1845, the Resident Agent at New Plymouth reported that most of the *quondam* labourers were then able to support themselves from the land, and that there was actually a scarcity of labour in the settlement.⁵ Regarding Nelson, a Select Committee of Grey's Legislative Council reported in 1851: 'When the claims to Crown lands were investigated the other day there were only about 50 original purchasers from the Company remaining in the settlement, but there were more than 200 other persons, chiefly of the working class, who, though they had not paid⁶ any money to the Company, were yet prosperous landowners there.'⁷ At Wellington, of all the agricultural labourers introduced since 1840, only 150 con-

¹ Col. Wakefield to Fox, 4th Sept. 1843. C.O. 208/85. The lands so disposed of formed part of the Company's private domain.

² Harrington to the Principal Agent of the N.Z. Company, 31st Aug. 1843. C.O. 208/166.

³ Harrington to Col. Wakefield, 26th Oct. 1843. C.O. 208, 166.

⁴ Wicksteed to Col. Wakefield, 4th April, 1844. *Seventeenth Report*, Appendix 22.

⁵ *Nineteenth Report*, Appendix 20.

⁶ They probably mean as original settlers. There were, however, many cases in which people simply squatted on the Company's lands without payment. Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 30.

⁷ Governor Grey to Earl Grey, 25th Sept. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 153.

tinued to work for hire in 1847, out of a civilian population of over 4,500 souls.¹

The failure of the Company's scheme once more proved that few 'capitalists' are prepared to sink their funds in such a hazardous undertaking as the founding of a new colony, especially if it be of the 'subsistence' type, and fewer still to betake themselves thither. It was also shown—not for the first time—that of the 'capitalists' who do go out with the first settlers few manage to improve their position. They either sink in the social scale or disappear from the colony. A correspondent wrote to the *New Zealand Spectator*:²

All the large farms in the Hutt valley have been broken up. The proprietors, whether owners or lessees of the soil, have gone away, and have let off as much of their land as they could, at low rents, in lots of five or ten acres, to farming labourers.

These men, whose capital consisted only in their own arms and those of their families, aided by others of very small means, were the real founders of the Company's settlements. Their huts and the cultivated plots of land on which they stood were their sole worldly possessions. They naturally acquired an intense attachment for the soil, and it needed more than native depredations or the machinations of a Governor to uproot them from it.³ It was only after the way had thus been prepared for them, and the capabilities of the country proved, that settlers with a certain amount of capital began to arrive.

This brings us to the heart of the question, to the cardinal reason for the failure of the Wakefield system in the Company's settlements. For that system, although it might work admirably in the case of colonies which produce a valuable article of export like wool, cotton or sugar, for the production of which concentration of labour is essential, is quite inapplicable to colonies which are run on the subsistence basis, producing

¹ Earl Grey to Governor Grey, 10th Aug. 1849 (Encl. 1). *P.P.* 1850, xxxvii. p. 927.

² 30th Jan. 1847. The writer is a Mr. Swainson, F.R.S., a well-known agriculturist.

³ The Company's settlers were convinced that on the demise of the Company (a contingency which in 1844 was expected at any moment) Governor FitzRoy intended to break up their settlements and force them to migrate to Auckland. *Eighteenth Report*, Appendices 25 and 31.

merely the wherewithal of their own consumption.¹ Agricultural colonies generally belong to this latter class. During the period in which they are being opened up the restrictions that would be imposed by the Wakefield system act as a drag on their development, preventing the occupation of the most fertile spots. In such colonies mass production is undesirable, as the means of transport must for many years be inadequate to bring the bulky agricultural products to market. Their founders will thus be not big capitalists owning estates cultivated by many labourers but small men who have their sons and relations to work for them, while in times of stress they combine with their neighbours. Thus the twofold evil of a glut of labour at one time and a scarcity at another is avoided. The opening up of the American Middle West affords many examples of this type of colonisation. The case of New Zealand, however, is different in this respect that, the islands being three or four months' sail from England, there had to be a certain amount of 'forced' colonisation such as the Wakefield system provided. The irony of the situation lay in the fact that in other respects the country was so peculiarly unfitted for its application. For in the first place all newly established colonies of necessity belong to the subsistence type; and, secondly, the Company's schemes were admittedly framed for settlements whose future would lie primarily in the pursuit of agriculture.² In an old colony like New South Wales, where there was an acute scarcity of labour in 1830, Wakefield's method of inducing emigration worked advantageously. But even here the rule we have been attempting to elaborate holds good. For his system did not work in the way he had anticipated. He meant to check dispersion and to benefit the agricultural interest, while the immigrants who were imported out of the proceeds of the Land Fund became not agricultural labourers, but shepherds or town workers. Agriculture remained the occupation of the small settler who 'with his family supplied most of the labour that his holding required'.³

¹ See on this subject Herman Merivale's brilliant analysis: *Lectures on Colonisation and Colonies* (London, 1861), Lecture 9.

² That was the opinion of Wakefield and his brother Directors. The event showed that they were mistaken.

³ T. A. Coghlan, *Labour and Industry in Australia* (Oxford, 1918), vol. i. p. 506.

The truth is, of course, that 'systems' go for very little in determining the way in which the colonisation of a country shall proceed. Soil, climate, natural resources, position, the character and training of the people, these are the fundamental, determining factors. That is what we meant by the 'third side' which neither the colonists nor the Company saw. The difficulties of the settlers, as has already been hinted, were primarily due not to the defects of a system that was soon discarded nor to the question of title deeds, nor to native inroads, though all these factors contributed their quota, but to the nature of the case, which was the attempt to strike root in a new country. The trials attending the attempt are well set forth by a writer who himself experienced them, and whose words are worth quoting at some length.

There is a deficiency of union and of method in mere emigration. There is a supply of these elements of success in colonisation—granted: but what if the colonist after all differs from the emigrant, not only in having appliances towards an object, but also in himself, his life and character? And may not those two characters represent two stages of one journey or progress, and two phases of life in the same man? Every settlement and every settler has to undergo a certain process, which is strictly analogous to what takes place in a plant when it is removed from one soil to another. It droops: it begins to fade: it seems about to die. Suddenly a reaction takes place; its roots are beginning to lay hold of the new soil; its leaves begin to feed on the new air. The old conditions of life and growth are again at work in a new place. It assimilates: it thrives.

So, in every incipient settlement there always is at first a period of difficulty, embarrassment, and even distress. The machine does not work easily as yet; the pulleys and ropes get entangled; the slides slip away; the wheels stop. The markets fluctuate fearfully between gluts and famine prices. Labour is very dear, and yet there are perhaps hundreds of poor people out of employment. There is a general stagnation and universal distrust. And the settler, too, after his outlay has been made, and before he receives his returns; what a long, careful, dissatisfied face is his. How he grumbles. How he repines. How thin he gets. Now is the time for quarrels, and outcries, and remonstrances. Now, all who advised and assisted him to emigrate are fearfully cursed. His money is spent. His house is not quite finished, and his servants have left him. He must work in his garden to produce those vegetables, which, with eggs and a little bacon, constitute his food. His eldest son gets in the cows, which his wife must

milk. His eldest daughter makes butter. His hundred-acre section is still waste ; for that which was broken up and sown has been trodden down again by his own and his neighbours' cattle, goats, and pigs. . . . His few sheep, which are let out on ' thirds ', bring him in nothing as yet, except the constant apprehension that they are getting scabby ; his horses are unshod, and his plough broken ; he now gets careless of cleanliness and decency, and begins to bask in his shirt at full length in the warm sun. . . . To conclude, he writes to England furiously, denouncing the settlement, declaring its originators are swindlers and impostors, and protesting he is utterly undone, without a single penny, heartbroken, beggared, and . . . just about to commence an expensive action at law against the Company from which he purchased such very worthless acres at such an exorbitant and scandalous price. . . .

But along with all this there is a change going on ; he begins to learn the secret of making his way in a new country ; . . . his cattle and sheep multiply ; many little things turn out advantageously, as if to repay him for former losses. His house is now finished ; he makes cheese and butter ; he begins to sell wool and mutton ; he becomes strong and merry ; puts on good clothes ; whistles as he walks ; goes to church ; attends a missionary meeting, and sees his name in the *Swamptown Gazette* among the stars. . . . Presently he launches out in praise of the country, and wonders what his relations are about, ' why they don't come out ' . . . and ' though many of your readers (he writes to the editor of his own old county newspaper, in England), affect to disbelieve in the prospects of this colony, they cannot refuse to accept the testimony of one whose own case is a proof of the *bona fide* soundness of the inducements held out to settlers on the great Swamptown Plain, in New Dalmatia.¹

It is necessary to enquire what further effect the nature of the country or the logic of events had in breaking up the Company's system. Immediately after their agreement with Lord John Russell, the Directors had decided that, being now, as far as their property was concerned, in the position of private individuals, they were justified in obtaining for their lands the best price they could, especially since the Government had definitely adopted the principle of the uniform price in all its dealings. They therefore decided to sell lands in New Zealand only by auction. The corner-stone of the Wakefield system, namely, the high price, was still to be retained, in that the upset price for auction purposes was never to be less than

¹ T. Cholmondeley, *Ultima Thule* (London, 1845), pp. 44-47.

the Government uniform price.¹ Very little land, however, was ever sold by auction under the Company's *régime*. This was due to a circumstance that struck at the heart of the whole high-price system in the Company's settlements. Purchasers found that they could acquire land much more cheaply from private owners than from the Company even at the minimum upset price. In April, 1844, the Resident Agent at New Plymouth wrote to his chief that the upset prices for the unsold town, suburban and rural, sections were far too high. Picked town and rural sections² might have been worth £12 10s. and £62 10s. respectively, but the inferior sections which had been rejected by the original purchasers were certainly not worth those sums. Already, he continued, intending buyers have turned away from the Company to private landowners.³ But the final blow at the high-price system was dealt by the Directors themselves, when in the year 1847 they determined to give compensation in land to their settlers, not because the latter could substantiate any legal claim against them, but because they had had to undergo evils such as no settler anticipates in the ordinary course of colonisation. This compensation was provided on a very lavish scale.⁴ The resident purchasers at Wellington, Wanganui, Nelson and New Plymouth received altogether 76,000 acres, while to the absentees about 121,000 acres were awarded.⁵ Compensation was given in the form of scrip, which gave its owners a right of selection over all the Company's surveyed lands with the exception of those situated in certain particular districts like Wairarapa, Ruamahunga and Hawke's Bay, Otago and Port Cooper.⁶ This scrip, which became marketable at a nominal value corresponding to the Company's upset price in its several settlements (nowhere was that price in 1847 below 40s. per acre),

¹ Dillon-Bell to Col. Wakefield, 26th April, 1841. C.O. 208/160.

² Of $\frac{1}{4}$ acre and 50 acres respectively.

³ *Seventeenth Report*, Appendix 22.

⁴ At the rate of 150 and 75 acres for every 100 originally purchased in the case of resident and absentee proprietors respectively. Cox to Merivale, 18th Sept. 1849. *P.P.* 1852, xxxv. 570, p. 432.

⁵ Governor Grey to Earl Grey, 25th Sept. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 153.

⁶ Governor Grey to Earl Grey, 9th Oct. 1848 (Encl. 4). *P.P.* 1849, xxxv. p. 141.

was from the very first at a discount, at Wellington of 75 per cent., at Nelson of 50 per cent.¹ This meant that waste lands in the former settlement would not fetch a higher price than 10s. per acre. To such an extent had land depreciated, owing chiefly to the glut in the market.

At Nelson the whole scheme of the settlement had been remodelled even before the award of compensation land. The Company was forced to admit that the original scheme could not be carried out. In 1845 it produced a plan for the consideration of the settlers, and when that was rejected, asked the latter to bring forward their own scheme. The settlers at once appointed a committee which produced a plan that was adopted at a mass meeting of colonists held on 3rd July, 1847, and accepted by the Company.² Its essence was that all the unsold sections of the original scheme, whether town, suburban or rural, should be suppressed and the settlers granted a right of re-selection over all according to their original order of choice. The town was to be much reduced in size, all urban sections rejected in the redistribution being included in the suburban area. Within this belt so increased resident purchasers who were already cultivating suburban sections were to be allowed to choose their rural lands so as to form one continuous farm. When all proprietors had selected their suburban sections, the rest of the suburban belt was to be distributed as rural sections.³ The colonists realised clearly enough what effect the appropriation of the unsold sections would have on the future greatness of their town. 'He (the resident proprietor) ' wrote their Committee :

no longer has the hope of a large population rapidly growing around him, of all the pecuniary profits, the bettered circumstances, the social advantages which he had a right to look for as the natural consequences of such an influx of population.'⁴

In order not entirely to close the colony against capitalist emigration and to keep up in the mother country an interest in their settlement, the colonists decided to lay out a new town of not less than 1000 sections of $\frac{1}{4}$ acre each to serve as

¹ Governor Grey to Earl Grey, 25th Sept. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 153.

² Tytler to Earl Grey, 19th March, 1851. *P.P.* 1851, xxxv. p. 514.

³ *Ibid.* (Encl. 2).

⁴ *Ibid.*

a shipping port to the Wairau district. The selection of the town sections (there were also to be suburban sections), was to be made

'in the original order of choice fixed by the ballot for the Nelson town sections, including the choices representing the unsold sections as well as the sold.'¹

The lack of sufficient available lands at Nelson for the carrying out of the Company's paper scheme was in no sense the cause of the troubles of its resident settlers. There was land enough and to spare for all the emigrants. Among the real causes, as has already been pointed out, was a lack of capital to bring that land into cultivation. Mr. Cowell, in his able report on the Nelson settlement, from which we have already had occasion to quote, held that the Nelson scheme could never have succeeded even had the site proved suitable. According to him the chief reason for its failure must be sought in the fact that the Company made no provision for the pastoral future of the settlement²—a point to which it will be necessary to return.

On the demise of the Company, Governor Grey had at once taken upon himself the settlement of the vexed land question. He adopted the threefold principle on which the Company had proceeded: permission to the settlers to throw up useless sections, the granting of compensation land, and the issue of scrip.³ Where, however, the Company's agents had touched merely the fringes of the problem, Grey determined to probe to its heart and solve it once for all. But he found it bristling with difficulties, the result chiefly of the Company's hurried and unsystematic procedure. Its surveys had rarely been completed, and thus, though its settlers might have in their possession some sort of a document proving their purchase, they had as often as not settled on the wrong lands.⁴ Further,

¹ *Ibid.*

² Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv, 570, p. 30.

³ Governor Grey to Earl Grey, 25th Sept. 1851. *P.P.* 1852, xxxv, p. 138.

⁴ An accurate survey is essential to the success of any scheme of colonisation. Yet by the year 1849 a 'real survey', giving on a map the natural features of a tract of country with the necessary detail accurately fitted into that framework, had not been attempted in a single colony. (Felix Wakefield, *Colonial Surveying*, London, 1849, p. 70.) In New Zealand the Company inflicted much hardship on the

Grey suspected that innumerable cases of disputed boundaries would arise, as soon as an examination with a view to the issue of Crown titles came to be made. Again, from the same cause of districts being either unsurveyed or incompletely surveyed at the time of selection, many settlers, when they desired to occupy their sections, found them located in worthless or mountainous country. Lastly, a number of sections were occupied by natives. The matter could only be dealt with adequately in a comprehensive spirit.¹ Grey pushed the scrip policy to its logical conclusion. His measure, which was called the 'New Zealand Company's Land Claims Ordinance', provided that all lands held from the Company might, before a certain date, be exchanged for Government scrip at a nominal value of one pound per acre. This scrip would be available at all Government sales of land in both the provinces into which New Zealand was then divided.² A Select Committee of the Legislative Council appointed by Grey to report on his Ordinance expressed the opinion that the 'scrip policy' would tend towards the elimination of the absentees, and again draw emigration towards New Zealand, since it would remove all uncertainties in the matter of land acquisition. And the most

colonists by unsystematic and wasteful surveys. 'There has been in New Zealand no surveying properly so-called'. (*Ibid.* p. 71 ff.) The marks made on the land by the Company's surveyors were often obliterated, especially after the dismissal of its surveying staff in 1844, and confusion resulted from the absence of an accurate map. Furthermore, the registers of land orders and of the position of the lands they purported to convey were allowed by the Company's agent to fall into a state of great confusion. There were ultimately no less than twenty-four registers under various names, but they merely added to the confusion, since a transaction might be entered 'sometimes in nearly all the books at once, sometimes in only a few, sometimes in but one, and sometimes not at all'. Governor Grey to Earl Grey, 21st Aug. 1851 (Encl.). *P.P.* 1854, xlv. p. 61.

The result was that most of the work so badly done by the Company had to be re-executed under Governor Grey and his successors. Governor Grey to Pakington, 19th Jan. 1853. *P.P.* 1854, xlv. p. 211.

In 1849 Wakefield wrote as follows on the whole subject: 'And in no one British colony had a system been adopted that would allow a sufficient price to work half as well as if the surveys were sufficient in extent, complete, accurate and cheap.' *Art of Colonisation*.

¹ Governor Grey to Earl Grey, 25th Sept. 1851. *P.P.* 1852, xxxv. p. 138.

² *Ibid.*

likely emigrants would be the valuable class of small proprietors who would be attracted by the prospect of acquiring cheap land by the purchase of scrip.¹ So far had the minds of the colonists already moved from the Wakefield system.

Many difficult cases had been settled under the provisions of this statesmanlike ordinance when there arrived in New Zealand the news of the passage of an Imperial Act 'for regulating the affairs of certain settlements established by the New Zealand Company', which declared that the Company's terms of purchase and pasture should remain in force in all its settlements. This Act put an end for the time being to all operations under the ordinance.² In 1856 a Select Committee of the General Assembly of New Zealand reported that the total of unsatisfied claims arising out of the Company's transactions and Governor Grey's ordinance still amounted to 98,000 acres.³ In the same year an Act of the Assembly finally settled the matter by adopting, in general, the provisions laid down by Sir George Grey.⁴

We now come to the final cause of the break-up of the Company's system. While its schemes were meant for agricultural settlements, both Wellington and Nelson resolutely determined to be pastoral. This natural tendency no paper plan was able to resist: '*Naturam expellas furca, tamen usque recurret.*' Although Wakefield had paid lip service to the idea of a pastoral industry in the colonies by advocating the grant of pastoral runs to *bona fide* settlers for nothing, the dispersion naturally caused by that industry acted in direct opposition to the primary aim of his system. It was thus only natural that none of the Company's original schemes contained pastoral provisions. At the same time nothing was more natural than that the settlers should turn to pastoral pursuits as soon as they realised the capabilities of the country; for, to use the words of Mr. Commissioner Cowell,

the herbage of a waste country in a temperate climate offers the

¹ *Ibid.* (Encl. 2).

² Governor Grey to Earl Grey, 6th Jan. 1852. *P.P.* 1852, xxxv. p. 171.

³ V. and P., H. of R., session iv. vol. ii. D.

⁴ Acts of the General Assembly, session 4, No. 31.

most obvious as well as the speediest means of obtaining an exportable return.¹

Before 1845 it was already evident in which direction the current was flowing. During the years 1843 to 1845 horned cattle increased in the Wellington settlement at the rate of 400 a year, and during the years 1846 and 1847 at the rate of 200, while sheep also showed a steady increase.² The Company's agent at Nelson determined to take the tide of fortune at the flood. He leased a run to a Wellington settler, Mr. George Duppa, who had neither bought land at Nelson nor contributed a penny to its Emigration Fund, and himself entered into partnership with him.³ So little, commented Mr. Cowell, did even the Company's agent (and the Company had a very high opinion of him) believe in its prospectus as 'a practical machine for carrying out a principle'.⁴ At length the Directors recognised the necessity for altering their system. Squatting was becoming a real menace throughout their district. So on 13th March, 1849, they issued a new prospectus for the settlements of Wellington, Nelson, and New Plymouth.⁵ Each settlement was divided into a 'home block' of 500,000 acres, consisting of all the lands laid out for sale therein as well as of interspersed or immediately adjacent lands, and a 'supplementary block', also of 500,000 acres, which would be included in the same 'county' as the settlement.⁶ Every purchaser of land under the Company, on payment of a licence fee to be determined in the colony, became entitled to a pastoral run a certain number of times the size of the agricultural allotment he had purchased.⁷ At the same time—another sign of the

¹ *Report on the Nelson Settlement*, Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 30.

² *Statistics of New Munster*. *P.P.* 1850, xxxvii. p. 1130. We have already shown how in those years agriculture was languishing. See above, p. 122.

³ *Report on the Nelson Settlement*. Cowell to Earl Grey, 23rd Nov. 1847. *P.P.* 1852, xxxv. 570, p. 30.

⁴ *Ibid.*

⁵ Harrington to Earl Grey, 15th March, 1849 (Encl.). *P.P.* 1852, xxxv. 570, p. 356.

⁶ Cox to Merivale, 11th September, 1849 (Encl.). *P.P.* 1852, xxxv. 570, p. 428.

⁷ Harrington to Earl Grey, 15th March, 1849 (Encl.). *P.P.* 1852, xxxv. 570, p. 356.

times—it became much easier to be a landowner: a man had now merely to invest £12 10s. in a town section of $\frac{1}{4}$ acre, or £50 in a 25 acre rural section. In the ‘supplementary block’ any pastoralist might lease a run on payment of the licence fee of five pounds and certain annual fees per head of cattle or sheep. If required for agricultural purposes, pastoral runs might at any time be put up to auction without compensation for improvements effected by the pastoralist.¹

These pastoral regulations merely registered a *fait accompli*. Had they not been promulgated, squatting on an extensive scale would have taken place. A few statistics will show the rapid growth of the pastoral interest. Wellington took the lead. In that settlement, in 1848, of the 1,501 persons following specific pursuits 22·3 per cent. were agriculturists and 12·5 per cent. pastoralists. At Nelson, out of a total of 961 persons, the percentages were 36·8 and 8·5 respectively.² At Wellington, wrote Mr. Alfred Domett, the compiler of the tables from which the above statistics are drawn, the cultivation of the land was being neglected for the breeding of stock, and in the sister settlement of Nelson the quantity of acres under crop registered four times the Wellington total.³ In 1844 there were 8000 sheep and 1,800 horned cattle in the Wellington settlement, while the totals for Nelson were 4,732 and 918 respectively.⁴ In 1850 Nelson had outstripped Wellington as a pastoral province: it could boast 70,960 sheep to Wellington’s 42,652, doubtless because its pastoral plains were of much greater extent than those of Wellington before the Wairarapa and Manawatu lands were available to the farmers of the latter settlement.⁵ The increase continued apace and with a regularity which showed that there was some permanent cause behind it, a cause that could only lie in the inherent fitness of the country for pastoral farming. In 1856 there were in Wellington 20,000 cattle and 250,000 sheep, in Nelson respectively 13,900 and 285,000.⁶ In the same year Mr. E. B. Fitton,

¹ *Ibid.* ² Statistics of New Munster. *P.P.* 1850, xxxvii. p. 1130. ³ *Ibid.*

⁴ FitzRoy to Stanley, 10th May, 1845 (Encl.). *P.P.* 1846, xxx. p. 206.

⁵ Statistics of New Zealand for the years 1848-50. *P.P.* 1852, xxxv. p. 91.

⁶ New Zealand Blue Book for the years 1853-1856, Table No. 51. C.O. 213/139. For the years for which we have given pastoral returns

'a late resident and landowner in the colony' and the author of a very useful compilation on New Zealand, wrote: 'Almost the whole available district from Nelson down to Canterbury, and again from Canterbury to Otago, is occupied by pastoral holders of land with their flocks.'¹ So well had farmers taken advantage of the pasturage provisions initiated by the Company.

All writers on New Zealand during the fifties, and there was a host of them, were firmly convinced that the district colonised by the Company was primarily a sheep country. They were equally convinced that agriculture did not pay in New Zealand, because of the expense of preparing the different soils, the difficulties of transport, and the scarcity of labour. Pastoral farming they further considered was a much easier occupation to learn. So the advice generally given to intending colonists was of the following nature:

Invest your savings in stocking a pastoral run; even if you do not farm yourself, invest in a flock of sheep, and help to stock the run of a trustworthy pastoralist.

With the advent of pastoralism a new type of settler made its appearance in New Zealand, namely, the Australian 'capitalist' who was skilled in the art of sheep-farming. The Australians conferred great benefits on the Company's settlements, but they were also responsible for the extension of an evil which had already manifested itself, chiefly on the Wairarapa plains.² In the colony whence they came they had

(1844, 1850 and 1856) the agricultural returns were as follows: in 1844 there were under cultivation at Wellington 1,232 acres; at Nelson 945 acres; in 1850 the totals were respectively 4,436 $\frac{1}{2}$ and 4,242 $\frac{3}{4}$ acres; and in 1856, 9,000 (about) and 5,000. These returns take no account of the lands laid down in grass for pastoral purposes. They serve to show the slowness of agricultural progress as compared with pastoral. At Wellington, in 1856, about 6,000 acres had been laid down in grass, and at Nelson 9,000.

¹ E. B. Fitton, *New Zealand* (London, 1856), p. 223.

² 'The whole of the land available for sheep and cattle runs, for a distance of 40 miles from Palliser Bay, that is, in what I will call the lower and mid-valley [of the Wairarapa] is now occupied by squatters. . . . There are 14 stations in [this] space. . . . The stock in these runs, in 1848, amounted to about 18,000 to 20,000 sheep, 2,000 head of cattle, and 90 to 100 horses, with mules, donkeys and pigs innumerable.

become addicted to the practice of squatting, which in colonial parlance meant the taking possession of large tracts of country outside the areas of settlement for purposes of grazing. As early as 1849, Felix Wakefield, Gibbon's youngest brother, who had practised as a surveyor in New South Wales and had spent some time in New Zealand, wrote that New Zealand was, by all accounts, on the point of becoming a field for extensive squatting.¹ In 1853 Governor Grey alluded to

the opposing interests which were springing up between the great mass of the inhabitants of New Zealand and the few individuals who held large tracts of country as runs.

These tracts, he continued,

they virtually hold as their own property, purchasers being prohibited from buying them by the former upset price being far above the value such lands were likely ever to attain to in the wild state.²

Squatting, however, never became in New Zealand a problem of nearly the same economic and political import as in the Australian colonies. The latter had no fund of previous experience to draw upon, and through sheer neglect had allowed the practice to assume almost unmanageable proportions before they decided to legalise and regulate it. Two circumstances curbed the practice in New Zealand: the first was the general reduction of the price of land after 1853, and the second the fact of the control of land policy being handed over to the Provincial Legislatures, which saw to it that no lands were irregularly occupied. New Zealand, too, was ultimately faced with the problem of the large landed proprietor, who, however, had generally acquired his property by regular methods and not in the way of the squatter.

By 1849 all the Company's settlements had found their feet. It had taken the best part of ten years to learn how to cultivate the three kinds of virgin soil found in New Zealand, soils covered with bush, flax or fern. Bush land was the most fertile, but

... The quantity of land occupied by these 14 runs is about 100,000 acres.' Allom to Earp, May, 1840. *Canterbury Papers*, p. 172. The squatters rented their land from native chiefs.

¹ *Op. cit.* p. 83.

² Governor Grey to Pakington, 25th April, 1853. *P.P.* 1854, xlv.

might cost anything up to £40 per acre to clear ;¹ fern land the cheapest, but its yield during the first few years was poor ; and flax land had generally to be drained. Settlers also discovered that the careful, scientific methods practised in the old country would not do in New Zealand—they cost too much.² All pioneering work is full of difficulty and discouragement. It behoved the New Zealand settlers to be thankful that the era of comparative plenty dawned so soon for their colony. 'To go into every cottage', wrote the Bishop of New Zealand in 1849,

and see plenty written on the rosy faces of the children, and stalactites of ham and bacon hanging from the roof, it may be, of a mere mud cottage or a shed of native reeds—to find that the crop of potatoes is so abundant that in places where there are no soldiers or sailors they will scarcely bear the expense of carriage to the port, or to hear of a whole cargo of native produce for which no better price is offered than three half-pence a pound for pork, and half-a-crown a bushel for wheat ;—these are facts, alarming to the settler who comes to make a fortune and return, but most encouraging to those who limit their desires to the real necessities and comforts of life. . . .³

This cheapness of agricultural produce was, however, a passing phase. The influx of pastoralists increased the demand for the produce of the soil. The discovery of gold in Australia, though it withdrew from the colony settlers which it could ill afford to lose, conferred a great benefit on the agriculturalist by raising the price of foodstuffs.⁴ At the same

¹ Some colonists put it as high as £60, including the taking out of the stumps.

² T. Cholmondeley, *op. cit.* pp. 126-7. 'Let the emigrant bear in mind that the mere possession of a formidable array of agricultural implements is not agriculture ; but the industrious use of the spade and mattock is. Many of the early settlers in New Zealand made ridiculous mistakes in this respect. Threshing machines, drills, patent harrows, ploughs of the most ingenious construction, and, in short, half the patent implements of an agricultural show were there. When the writer left the colony most of these were rotting on the beach in the same place they occupied when landed.' Quoted from Earp's *Handbook on New Zealand* by the *New Zealand Journal* of 6th April, 1850.

³ *Twenty-fifth Report*, p. 47.

⁴ In 1856 agricultural products were reported as 'dear' in all the settlements, though still subject to violent fluctuations. E. B. Fitton, *op. cit.* pp. 68, 73, 126, 169.

time a new instrument was being forged for the facilitation of their export. The colonies combined for the purpose of bringing about steam communication in the Pacific. By 1857 three regular lines were running, the first connecting the various ports of New Zealand, the second linking Auckland to the Australian colonies, the third establishing communication between the latter and the settlements of Wellington and Nelson.¹ The introduction of the steamer came not a moment too soon. In the years 1854 and 1855 the export of grain, owing to the Australian gold discoveries, suddenly took a great leap upward, reaching a total of £134,000.² This total was not maintained in subsequent years, but the connection with the Australian colonies had been firmly established.

At the same time communications within the settlements were being extended and improved. The lack of roads and bridges had naturally inflicted a considerable check on the agricultural industry during the initial period. Except at Nelson the Company had no funds in hand for the improvement of communications, while the colonists, not being organised as corporations, could not raise money by self-taxation. The Company had been authorised to spend £44,000 on public improvements at Nelson, but the money was squandered by an inefficient engineer. '£25,000', wrote the *Nelson Examiner*, 'has been spent on bridges, but the result is a mere mockery'.³ In the other settlements the colonists had to depend mainly on the benevolence of an impecunious Government. At Wellington the Government simply had to build roads for the purpose of carrying on operations against the insurgent natives. 'The two ranges of mountains', wrote Governor Grey early in 1848,

which upon the east and west divided the port and town from the fertile and extensive regions lying upon the other side of the

¹ *Ibid.* p. 347. These services, however, did not prove very satisfactory, and in 1863 the New Zealand Government established at £40,000 subsidy a service six times per month between Otago, Canterbury and Wellington, and weekly between Southland and Otago, Wellington, Napier and Auckland, and Wellington, Picton, Nelson, New Plymouth and Manakau. A. to J. 1863, D. No. 2 and 7.

² New Zealand Blue Book for the years 1853-1856, p.v.

³ 23rd Jan. 1847.

ranges, having been broken through by excellent roads which will in a few months be completed.¹

The westward road ran through Porirua and on to Pakakariri, a distance of 29 miles from Wellington. It was 15 feet wide and cost the Government altogether £20,410, a sum that the Wellington colonists could hardly have been expected to raise by municipal taxation.² The other road ran north-eastward from Wellington to a point in the fertile Wairarapa plains, a distance of 39 miles. Its cost was estimated at over £14,000, even though cheap native labour was employed, supplemented by the labour of the military, who received only one shilling in addition to their other pay and allowances.³ But all this was merely a beginning. The Porirua road had yet to be extended to Wanganui, which nominally formed a part of the Wellington settlement, and ultimately to New Plymouth. In the meantime the settlers were clamouring for ferries to enable themselves and their produce to cross the otherwise impassable rivers Manawatu, Rangitiki, and Wanganui.⁴ So much for the Wellington settlement. In the other settlements serious road-building only commenced with the establishment of the Provincial Councils. This lack of roads helps to explain the facility with which the Company's settlements turned pastoral. The problem of transport is infinitely smaller in the case of a light article like wool than in that of heavy agricultural produce.

And so—to conclude this section as we began it—the southern settlements, after ten years of struggle, had struck root. A final proof may be found in the condition of the labour market. Everywhere an original glut of labourers had given place to scarcity with the natural result that wages were soaring and employers thoroughly dissatisfied. By 1849 a cry was going up from all the settlements that the Company should

¹ Governor Grey to Earl Grey, 17th March, 1848. *P.P.* 1847-8, xliii. p. 481.

² Governor Grey to Earl Grey, 6th Feb. 1850 (Encl.). *P.P.* 1850, xxxvii. p. 1106.

³ Governor Grey to Earl Grey, 31st July, 1847 (Encl. 2). *P.P.* 1847-8, xliii. p. 349.

⁴ *Nelson Examiner*, 8th Dec. 1849.

resume the despatch of emigrants on a large scale.¹ But the Company's funds were so depleted that it could do nothing, and the scarcity of labour grew more acute every year. One of the first questions to which the Provincial Councils, which met for the first time in 1853, turned their attention was the manner in which the emigration of labourers could best be encouraged, and in all the Councils sums were voted for that purpose.² At the same time the general population of the three Southern settlements, after having remained almost stationary up to 1848, had since that date been increasing by leaps and bounds. The average annual increase for the years 1843 to 1848 had been about 300, while that for the five years between 1851 and 1856 was 1,600.³ And the scarcity of labour proved that the increase must have been due, to a certain extent, to the emigration of 'capitalists' who had by this time come to look on New Zealand as a safe field for investment.

Meanwhile, what of the progress of the northern settlements? Having had to stand on their own legs at a time when the other settlements were still being artificially stimulated by the Company, they might have been expected, after a sharp struggle, to show signs of a settled prosperity while the others were still languishing. We have already shown how severely the northern settlements, and especially Auckland, suffered.⁴ But unfortunately the tide was long in turning, longer even than in the southern settlements. Various factors contributed to this result, among which were the fever of speculation in which Auckland had started and the gambling spirit that continued to actuate many of its inhabitants. The *Southern Cross*, voicing the views of the influential section at Auckland which was 'agin' the Government', contended that the latter was chiefly to blame for the depression, in that it practically pro-

¹ See the *New Zealand Spectator*, 1st April, 1848, and the *Nelson Examiner*, 24th Feb. 1849.

² E. B. Fitton, *op. cit.* pp. 296-318. Among the places whence the Provincial Councils of the different settlements were encouraging emigration in 1854 was Melbourne, whither many emigrants had gone from New Zealand a few years before, but where there was then great distress among labourers. Speech of the Superintendent at the opening of the Wellington Provincial Council, 21st Dec. 1854. Quoted *Ibid.* p. 302-3.

³ New Zealand Statistics for the years 1853 to 1856. C.O. 213/39.

⁴ See above, pp. 118-119.

hibited the acquisition of land by forbidding direct traffic with the natives.¹ It was also wrong, argued the *Southern Cross*, and especially was it hard on the 'old settlers', to fix the maximum area of land that any settler might acquire as low as 2,560 acres.² But it failed to show that either these old settlers or their fellows who had arrived later were putting the lands already granted them to their proper agricultural use: for in those days no one thought that the northern settlements were fit for anything but agriculture.³ By the middle of the year 1843, 104,534 acres had already been awarded by the Land Commissioners,⁴ and the area thus granted was probably at least doubled, when the Commissioners had finished their work in the following year. Yet the settlement was still importing flour as late as 1851,⁵ in spite of the fact that the large native population on its borders supplemented the resources of the whites by means of the products of their cultivations, which were brought to Auckland along the splendid natural waterways afforded by the rivers that emptied themselves into the Gulfs of Manakau or Waitemata.⁶

How many whites were settled on the land and attempting to cultivate the acres granted away by the Commissioners? In July, 1849, the white population of the northern part of the North Island numbered 7,000 souls, of whom 2,810 lived in the town and 4,190 in the country. The settlers could thus hardly complain of a want of land for farming purposes. The real reason for their dissatisfaction appears to have been the curb put on their speculative tendencies by the Government's restrictive policy; for had they been able to acquire from the Maoris as many acres as they desired, they would most certainly have engrossed large areas of the best lands of the North in

¹ 22nd June, 1851.

² 28th Dec. 1849.

³ About 1856 meat was almost 'at famine prices' at Auckland, because there were so few live stock in the settlement. E. B. Fitton, *op. cit.* p. 73.

⁴ Shortland to Stanley, 15th June, 1843. *P.P.* 1844, xiii.

⁵ *Southern Cross*, 4th Jan. 1853. In 1851 there still appeared notices in the *Southern Cross* advertising for sale imported flour and even imported potatoes. See *Southern Cross*, 2nd Dec. 1851.

⁶ Governor Grey to Earl Grey, 7th July, 1849. *P.P.* 1850, xxxvii. p. 886.

order to make huge profits out of their re-sale to newcomers, when the tide of emigration began to set towards New Zealand. We are not wronging the inhabitants of the northern settlements by branding many of them as speculators. The news of the gold discoveries in California and Australia drew numbers of them to those parts. On 28th November, 1849, the *New Zealand Spectator* reprinted an account given by the *Southern Cross* of emigration to California, from which it appears that fifteen vessels, loaded with goods and passengers, had left Auckland for San Francisco, and that six more were to follow shortly. On 18th February, 1851, the *Southern Cross* wrote: 'California weaned us of some of our best settlers', and on 22nd June, 1852, that California and Australia had between them deprived Auckland of its 'truest and staunchest colonists'.¹ But the places of the departed were rapidly filled up by newcomers, so much so that, when the citizens computed their gains and losses after the fever of the gold rush had abated, they found that their loss on balance was only 90 souls.²

Emigration to Auckland up to the time of Responsible Government was principally 'voluntary', that is to say, it was not directed thither by any external agency. There were, however, a few exceptions to this rule. On the advice of Governor Hobson, who aimed at setting up the Government as a rival coloniser to the New Zealand Company,³ two ship-loads of emigrants were sent to Auckland from Paisley.⁴ They arrived at Auckland in October, 1842.⁵ Although they totalled only 539 souls, a number of them, being unable to find work with private employers, remained on the hands of the Government.⁶ As in the southern settlements, so also at Auckland,

¹ During the year 1849, 586 emigrants left the port of Auckland, chiefly for California or the Australian colonies (Governor Grey to Earl Grey, 23rd April, 1850. *P.P.* 1851, xxxv. p. 568). The total for the quarter ending 31st March, 1850, was 294 (Governor Grey to Earl Grey, 1st May, 1850. *P.P.* 1851, xxxv. p. 568), and for that ending 31st Dec. 1850, 123 (Governor Grey to Earl Grey, 30th Jan. 1851. *P.P.* 1851, xxxv. p. 688).

² *Southern Cross*, 4th Jan. 1853.

³ See above, p. 63.

⁴ See above, p. 63.

⁵ Shortland to H.M. Principal Secretary of State for the Colonies, 31st Oct. 1842. C.O. 209/16.

⁶ *Ibid.* 1st May, 1843. C.O. 209/21.

there were complaints on the score of the unsuitability of the emigrants sent out. The immigration agent at Auckland wrote :

The class of people, such as weavers, millwrights, and people accustomed to live in towns who have been sent here, are very ill-adapted for this colony ; real agriculturalists are the only class who seem to do well.¹

The Home Government wisely determined not to repeat the experiment of sending labouring emigrants to Auckland. But they tried another kind of ' forced ' emigration. In November, 1842, some 60 boys between the ages of 12 and 19, inmates of Parkhurst Prison, who had received free pardons from the Home Office, arrived at Auckland.² But they were regarded with distrust by those among the colonists who did not hail from New South Wales and Van Diemen's Land,³ and no more were sent.⁴ It is to the credit of the colonists that they thus protested against the mere suggestion of convictism.

The last type of State-conducted emigration was also the most important. When Earl Grey came to the Colonial Office he wished to experiment in New Zealand with an original plan of military colonisation. He considered that the reason for the failure of all previous military colonisation had been that men trained to dependence and obedience had been left to depend too much on themselves in the colony.⁵ His military settlers were, therefore, to remain under the control of their officers. They were to be called the ' New Zealand Fencibles ' and were to consist of discharged soldiers of good character and still vigorous constitution.⁶ No pensioner was eligible

¹ FitzRoy to Stanley, 18th April, 1844. *P.P.* 1845, xxxiii. p. 75.

² Shortland to H.M. Principal Secretary of State for the Colonies, 2nd Nov. 1842. *C.O.* 209/20.

³ *Ibid.* 10th April, 1843. *C.O.* 209/20.

⁴ Gladstone to Governor Grey, 30th March, 1846. *P.P.* 1846, xxx. p. 272.

⁵ Earl Grey to Governor Grey, 24th Nov. 1846. *P.P.* 1847, xxxviii. [763], p. 19. Grey himself did not extend his scheme to other colonies, though he continued to believe in its efficacy even for tropical colonies. *The Colonial Policy of Lord John Russell's Administration*, vol. ii. p. 146.

⁶ Earl Grey to Governor Grey, 24th Nov. 1846. *P.P.* 1847, xxxviii. [763], p. 19.

whose family exceeded four persons.¹ Once in New Zealand they would have to attend regularly for military exercise on twelve days in each year, and every Sunday to muster under arms at church parade.² The pensioners were to be located in villages under the control of their officers. To accommodate the latter two or three log-houses were to be built in each village, and they were each to receive without payment ten acres of cleared and forty of uncleared land which at the end of ten years was to become their freehold property. Each soldier, although depending for his livelihood on wages, was to have one acre of uncleared land which was to become his property at the end of seven years.³ Earl Grey considered that, though they would not be able to go on fatiguing campaigns, the pensioners would prove an excellent defence for Auckland. Governor Grey entered enthusiastically into the scheme. He had, in the first instance, to accommodate 500 soldiers who left England in November, 1846. A second batch consisting of two companies was sent two years later.⁴ The pensioners were located in four villages at distances from the capital varying from 6 to 9½ miles.⁵ 'I think it right to inform your Lordship', wrote the Governor on 4th August, 1848,

that the positions in which the several villages are placed are extremely fertile and picturesque; that with the exception of one village they have all direct and easy water communication with Auckland; that they occupy important natural positions, and are all arranged along a line of defence that completely shuts Auckland in, and commands the passes to the town from the Southern portion of the island.⁶

¹ Earl Grey to Governor Grey, 12th Dec. 1848 (Sub-enclosure in Enclosure 4). *P.P.* 1849, xxxv. p. 206.

² *Ibid.*

³ Earl Grey to Governor Grey, 24th Nov. 1846. *P.P.* 1847, xxxviii. [763], p. 19.

⁴ Earl Grey to Governor Grey, 30th Jan. 1849. *P.P.* 1849, xxxv. p. 213.

⁵ Governor Grey to Earl Grey, 4th Aug. 1848. *P.P.* 1849, xxxv. p. 118. Earl Grey had suggested that the pensioners should be located within five miles of Auckland, but the Governor informed him that this was impossible, since all valuable land within that radius had already been taken up. *Ibid.*

⁶ *Ibid.*

At the beginning of 1851 the Governor wrote that military colonisation had proved marvellously successful. The soldiers had worked to such purpose that in one quarter 34 of them had bought Crown lands out of their savings.¹ But Grey knew too well how to embellish despatches, and his testimony has, therefore, to be received with caution. The other side of the picture was that the location of the pensioners had cost almost £60,000.² Mr. (afterwards Sir William) Fox, who succeeded Colonel Wakefield as the principal agent of the New Zealand Company, pronounced the scheme an entire failure.³ The Auditor-General of New Zealand admitted that, were it not for their use with respect to the military protection of the colony, the pensioners would not be the most desirable type of emigrant, and proceeded to comment unfavourably on the enormous cost of establishing them, their advanced age and infirmities, the unexpected force of their habits of dependence, and their lack of the energy, perseverance and sobriety that distinguish non-military emigrants.⁴ This was really damning the system with faint praise. But Governor Grey truthfully pointed out that a large proportion of the money spent on the pensioners would in any case have been incurred for the military protection of the colony, that the men were being productively employed on public works such as the building of roads and bridges, and last, but not least, that they were rearing healthy children who would prove more useful colonists than their fathers had been.⁵ At the same time, however, he showed his preference for non-military emigrants by insisting that the Home Government should bear a part of the expense of establishing the pensioners so as to leave the Land Fund free for the importation of emigrants of the former class.⁶

After this digression on emigration to Auckland it is neces-

¹ Governor Grey to Earl Grey, 30th Jan. 1851. *P.P.* 1851, xxxv. p. 689.

² Governor Grey to Earl Grey, 8th Feb. 1851. *P.P.* 1851, xxxv. p. 708.

³ *The Six Colonies of New Zealand*, pp. 46-47.

⁴ Governor Grey to Earl Grey, 8th Feb. 1851 (Encl. 1). *P.P.* 1851, xxxv.. p. 709.

⁵ *Ibid.*

⁶ *Ibid.* After the two batches mentioned above no more military settlers were sent to New Zealand.

sary to revert to the early fortunes of the settlement. The northern district, we have suggested, had a longer, though possibly less painful, march to prosperity than the southern settlements. Its inhabitants, however, if the *Southern Cross* forms a good index of their feelings, thought that their position could hardly be worse than it was. On 19th April, 1845, that journal adverted 'to the hopeless prospects of the northern district for years to come'. For many years no access through emigration could be expected. Those unfortunate colonists, it continued, who were obliged to remain having invested their all in the north, can now only 'mourn over their sad reverses with dispirited minds, without prospect of brighter hopes, or happier, peaceful days'. Towards the end of 1840 the newspaper was still writing about 'the gloomy aspect of our domestic affairs'.¹ The problem of transport was evidently as difficult at Auckland as in the other settlements. In an article in the *Southern Cross* headed 'Our break-neck bridges' the writer commented on 'the frightful condition of the roads and bridges around Auckland'.² In the same journal, on 3rd January, 1851, a sailor flung the following taunt at the inhabitants of Auckland: 'You are ten years old and you have not even a boat-jetty—no watering-place, and not a light to indicate the channel of your harbour.' After 1851, however, the Aucklanders took a decidedly more hopeful view of the situation. On 4th January, 1853, the *Southern Cross* was able to declare that at last the settlement was beginning steadily to progress. Although, continued the journal, it was only in the second year of its 'exporting existence', its prosperity was soundly based, being derived from the land, of which an increasing quantity was being brought into cultivation. The exports referred to are those of food-stuffs. Almost from the first certain valuable articles of export had been shipped from the port of Auckland. But they were not the produce of *bona fide* settlers, and were, moreover, subject to violent fluctuation. During the five years from 1844 to 1848 goods to the value of respectively £3,037; £27,239; £40,187; £12,670; and £15,096 were exported from Auckland.³ The sudden drop after 1846

¹ *Southern Cross*, 13th Nov. 1840.

² *Ibid.* 30th July, 1850.

³ Governor Grey to Earl Grey, 12th April, 1849. *P.P.* 1850, xxxvii. p. 834.

was entirely due to the decrease in the export of Kauri-gum and copper ore, the former falling from £12,847 in 1845 to £141 in 1847, the latter from £22,180 in 1846 to £2,450 in 1847.¹ In 1849 Governor Grey named timber, rope, oil and whalebone as the principal articles of export from Auckland.² After 1851 agricultural produce began to play an increasingly important part in the returns. At the same time Auckland's coastal trade was growing. On 1st January, 1854, its 'commercial fleet' numbered 136 vessels, all built at Auckland, with a total displacement of 2,423 tons.³ This growing prosperity was reflected in the growth of the population which, having remained more or less stationary from 1844 to 1850, advanced from 8,301 in the latter year⁴ to 9,400 in 1851, and thence went on increasing until it reached 15,300 in 1856.⁵ It had, on the whole, been no empty boast when the *Southern Cross* wrote exultingly at the beginning of 1854: 'The tide of prosperity has set strongly in our favour at last.'⁶

§ 3. *Life in the Settlements: Fortunes of the Wakefield System (Social Aspect)*

What were the conditions of life in the four settlements about the year 1851? The settlers must have found them rather primitive when compared with their old surroundings in England. Their houses were still built either of wood or of earth sods strengthened by means of a wooden framework, or of 'cob', a mixture of clay and grass kneaded together and dried in the sun.⁷ In the towns wooden houses were the rule. The forests of New Zealand furnished wood in abundance, and the demand for timber gave employment to an army of sawyers 'who', writes Mr. Fitton, 'generally locate themselves on the shores of the numerous bays, skirted and overhung by vast forests, from whence the timber is transported by water to the various settlements'.⁸ Wooden houses, besides being cheaper, were also safer than stone or brick buildings: for the early settlers lived in constant dread of earthquakes. An exceptionally severe one was experienced in October, 1848. Shocks

¹ *Ibid.*

² *Ibid.*

³ *Southern Cross*, 3rd Jan. 1854.

⁴ Statistics of New Zealand, 1848-50. *P.P.* 1852, xxxv. p. 91.

⁵ New Zealand Blue Book for the years 1853-6. C.O. 213/39.

⁶ 3rd Jan. 1854. ⁷ E. B. Fitton, *op. cit.* p. 244. ⁸ *Ibid.* p. 253.

were felt throughout the Company's district, but the only serious damage done was at Wellington, where property to the value of about £15,000 was destroyed.¹ Of the forty-six brick houses which were all the town could boast, only four remained unscathed.²

Life in the settlements was dull enough in those early days. Auckland and Wellington naturally took the lead in social activities. But even in these towns very little happened to cheer the inhabitants' spare moments. One especially wonders how they passed their evenings. Occasionally some kind hostess would give a dance, or at Auckland one might be invited to a dinner at Government House.³ Or some malcontents might call together a public meeting and harangue the citizens on the delinquencies of the Government or the Company. At such meetings strong resolutions were always passed by overwhelming majorities. At Wellington theatrical performances were occasionally given by amateur performers.⁴ In the same town there was also a Mechanics' Institute, run on the model of the English organisations of that name, where entertainment of a less frivolous nature, consisting generally of a lecture by some prominent citizen on a literary or scientific subject, was provided. But evening entertainments had their disadvantages in the early days. The streets were in a

¹ Governor Grey to Earl Grey, 20th Nov. 1848. *P.P.* 1840, xxxv. p. 83.

² Governor Grey to Earl Grey, 13th Nov. 1848 (Encl. 1). *P.P.* 1840, xxxv. p. 82.

³ Swainson gives the following description of Auckland life in the fifties: 'In so small a community there are, of course, few amusements. Riding, boating and fishing are, with gentlemen, the favourite recreations. Once a week during the summer months the regimental band plays for a couple of hours on the well-kept lawn in the Government grounds. . . . Two or three balls in the course of the year; as many concerts; an occasional riding party, pic-nic, or water party; fern-hunting; a ride to the Kauri forest; a trip to Waitaki, to Waikato, or the Lakes of Rotorua are among the few amusements of the Auckland fashionable world. Now and then a ship of war enters the port; and occasionally Auckland is visited by some company of travelling players, a conjurer, a family of acrobats, or a troop of travelling equestrians; while dissipation in the milder form of temperance and tea meetings, school feasts and lectures, suffices for the recreation of the younger portion of the community.' *Op. cit.* pp. 231-2.

⁴ See *New Zealand Spectator*, 8th Dec. 1847. (Advertisement.)

deplorable condition, especially during the rainy season, and many pitfalls beset the path of the unwary reveller, if the partaker in the innocent amusements just described may be so designated.¹ Day-time amusements were rare. The inhabitants of Wellington and Auckland sometimes had the pleasure of listening to the performances of the brass bands of their garrison regiments,² and at other times the military would contend against the civilians at cricket. At Auckland they were particularly fond of horse-racing, the opening days of every year being set apart for that amusement.³ And in all the settlements there was one particular season at which the settlers made high holiday. It was Anniversary Day, the day on which they celebrated the foundation of their settlements. On that day every settler was advised by his newspaper to forget his troubles and join in the general rejoicings. The celebrations generally occupied two full days. They differed in character with each settlement. At Auckland, the inhabitants of which looked forward to a great maritime future, the chief feature was the regatta, while Nelson's original contribution was, appropriately enough, a ploughing match. There were also races and trials of strength of all descriptions and the rest of the appurtenances of an English rural festival. The proceedings generally concluded with a dinner and dance.⁴

¹ *New Zealand Spectator*, 15th June, 1850. The writer complains of the bad roads of Wellington with special reference to the public foot-path along Lambton Quay which is 'all mud and slush'. As for Auckland, 'in the mythical period of the colony, when streets and roads existed but on paper, to attend a ball on a dark, wet night was literally the pursuit of dancing under difficulties; but in the worst weather its votaries were never daunted, the ladies gallantly wading through mire and water, their twinkling feet and light fantastic toes encased in men's jack-boots—their would-be partners . . . being carried high and dry on the backs of some friendly Maori'. (W. Swainson, *op. cit.* p. 232.) As late as 1859 'noxious exhalations from a thousand stagnant cesspools are allowed to taint the air, and the city continues still unlighted, unwatered and undrained'. *Ibid.* p. 225.

² *New Zealand Spectator*, 8th Dec. 1847. (Advertisement.)

³ *Southern Cross*, 31st Dec. 1852. (Advertisement.)

⁴ See the newspapers of the various settlements which every year contained full reports of the anniversary festivities. At Nelson, on account of the depressed state of the settlement, no celebrations were held in 1846 or 1847. The first Auckland regatta took place in Jan. 1850. *Southern Cross*, 29th Jan. 1850.

Communication between the separate settlements was rare. They heard from England more regularly or at least at shorter intervals than from one another.¹ In the early days at Wellington it sometimes happened that there was no news from Auckland for three or four months at a time. Nelson and New Plymouth were naturally worse off still. Only in 1850 was regular overland communication established between Auckland and Wellington by means of native messengers who made the journey of 437 miles once every fortnight, took 25½ days, and were paid the munificent sum of £2 for their pains.² Before that date the inhabitants of Wellington often got their Auckland news by way of Sydney. 'In July last', wrote Sir William Fox in 1851 in a *Minute on the Government of New Zealand*,

the Nelson settlement was without news from Wellington (only 150 miles distant) for three months, while the Council was sitting at the latter place making laws affecting the former; news was ultimately received by way of Sydney, having gone 2,400 miles round. On one occasion the Lieutenant-Governor at Wellington sent despatches to Auckland by way of Sydney; and I have myself been five months in receiving a reply to a letter from Auckland which was sent by return of post.

Auckland and Wellington heard from England about once every month. The other settlements had to take their chance. The arrival of news from home was a red-letter day everywhere. Its anticipation cheered the settlers' monotonous life. Their newspapers made large extracts from the European journals comprising accounts of the latest revolution in France and its effect upon the peoples of Europe, of the stability or prospects of Her Majesty's Government, or of the latest colonial debate in the House of Commons. Each of the settlements, including, until its destruction in 1845, the settlement in the Bay of Islands, had its own newspaper, and at Wellington and Auckland there were generally two. It is true that most of these

¹ 'In the case of Auckland . . . in a period of 12 months, whilst 6 vessels had arrived at that port direct from England, and 40 direct from Sydney, only 6 vessels had in the same period of time reached Auckland from the other principal settlements of New Zealand.' Governor Grey to Earl Grey, 23rd Jan. 1852. *P.P.* 1852, xxxv.

² Governor Grey to Earl Grey, 13th May, 1850. *P.P.* 1851, xxxv, p. 572.

newspapers were extremely short-lived, but on the extinction of one there was usually another to take its place. The tiny settlement of New Plymouth did not possess its own journal until the year 1852. Before that time a signboard placed in a central position had to do the duty of a newspaper. On it were posted, not only advertisements of public meetings or of property for sale, but also anonymous scandal or effusions on matters agitating the settlement.¹ The newspapers appeared once, in some cases twice, a week and cost one shilling or a sixpence. They generally consisted of four sheets, two of which, in settlements like Wellington and Auckland, where a fair amount of trade was transacted, were taken up by advertisements. With the exception of the *Nelson Examiner*, which maintained a high standard in every way, the tone of New Zealand journalism was distinctly 'colonial', reminding one of Wakefield's saying that in the colonies reputations are not spared, and men strike straight at the heart.² Especially was this true when there were two rival newspapers in one settlement. At Wellington there were the *New Zealand Gazette* and the *Wellington Independent*. The former supported the Government and attacked the Company, while the latter took the opposite sides. The *New Zealand Gazette* was continually delivering savage attacks on Colonel Wakefield or on his successor Mr. Fox. The former and 'his co-conspirators' were represented as desirous 'of slipping the slave's collar round the neck of the settlers'.³ The attacks on Mr. Fox were more brutal, because more directly personal. Veiled accusations of unscrupulous self-seeking and corruption were freely made.⁴ As for the editor of the rival journal, he was contemptuously dismissed as an 'anonymous libeller', a 'lie incarnate'.⁵ That gentleman returned the abuse with interest. At Auckland the *Southern Cross* and the *New Zealander* exchanged the same type of amiable banter.⁶ Newspaper correspondents wrote like their editors. They were incapable of carrying on

¹ *History of a Colonial Newspaper*, supplement to the *Taranaki Herald*, 4th Aug. 1892.

² *Art of Colonization*, pp. 187-189.

³ *New Zealand Gazette*, 13th Jan. 1847.

⁴ See *New Zealand Journal*, 15th Dec. 1849, and 26th June, 1850.

⁵ *Ibid.* 20th Sept. 1849.

⁶ See *Southern Cross*, 29th Oct. 1850.

any controversy, albeit on the most abstract subject, in an impersonal spirit, and their personalities were always unsavoury.

Such being some of the external phenomena of New Zealand society, what was its real character about the year 1851? We already know what Wakefield wished it to be. 'Their object', the Directors of the New Zealand Company had repeated in 1847,

is to transplant English society with its various gradations in due proportions, carrying out our laws, customs, associations, habits, manners, feelings—everything of England in short, but the soil.¹

In how far did they succeed—could they expect to succeed? It is true, of course, that they established a predominantly English population in New Zealand;² and that certain peculiarly English institutions like the Church of England were also transplanted thither. But they changed their character noticeably during the process. The Church of England, for example, was governed far more democratically in New Zealand than in England. Wakefield was continually writing that his system meant a resuscitation of the art of colonisation which had been lost since the days of the Greeks and Romans. But he forgot that there was one vital difference between a Greek colony and the kind of colony he was establishing in New Zealand, a difference that vitiated all comparison.³ For while the institution of slavery gave stability to ranks and classes in

¹ Harrington to Earl Grey, 5th Oct. 1847 (Encl.). *P.P.* 1852, xxxv, 570, p. 18.

² In 1848 the 'original extraction' of the population of the Southern Province, *i.e.* of the Company's district (not excluding New Plymouth) was as follows:

51.86	per cent.	was born in	England.
12.16	"	"	Scotland.
0.55	"	"	Wales.
3.21	"	"	Ireland.
2.39	"	"	the British Colonies.
3.17	"	"	foreign countries.
26.51	"	"	New Zealand.

Statistics of New Munster. *P.P.* 1850, xxxvii. p. 1130.

³ Wakefield thought that the chief reason why Greek colonists were able to found old societies lay in their enforced concentration through being surrounded by barbarians. *A Letter from Sydney* (London, 1820), p. 158.

an ancient colony, and permitted the comparatively simple economic conditions of the parent city to be recreated in its offshoot, a recreation of the complex conditions of the life of nineteenth century England was entirely out of the question in a free colony, where the main condition of stability was lacking and labourers were always striving to ascend into the ranks of the landowners. Practical acquaintance with the facts of colonial life soon brought every settler to this opinion, however sanguine he might have been in England.¹ J. R. Godley, one of the founders of the Canterbury settlement, confessed in 1852 that he had formed exaggerated expectations while yet in England, pointing out in particular how wrong it had been to expect 'that such an edifice of civilisation as it has taken many laborious centuries to build up at home, could be created in a few months out here'.²

But although these pretentious claims had no chance of being realised, Wakefield's system might have had a modicum of success on its social side had not the landowner-labourer relation, which was to be the counterpart of the landlord-tenant relation in England, broke down entirely in New Zealand. We have already analysed the economic reasons for its failure. It was the pivot of his system both economically and socially, and when it went Wakefield's colonial Utopia vanished into thin air. His system abhorred the small farmer who as a rule employed no labour but that of his own family. Yet that class was the principal component of New Zealand society about the year 1850. The large majority of the population, wrote Governor Grey in one of his important constitutional despatches, consists of small landed proprietors, men who having in their youth experienced much hardship have had sufficient enterprise to seek for themselves a new home, and have generally in a few years by dint of self-denial acquired a property of their own.³ Having had to fend for themselves, continued the Governor, they are, as a class, self-reliant. They

¹ It is matter for regret that Wakefield's views on colonisation had reached finality before he was able to visit the colonies. None of the Directors of the New Zealand Company had experience of colonial life.

² Extract from a speech delivered at Port Lyttleton by Godley in December, 1852. Quoted in E. B. Fitton, *op. cit.* p. 352.

³ Governor Grey to Earl Grey, 15th March, 1840. *P.P.* 1850, xxxvii. p. 758.

have made themselves acquainted with such parts of the Civil Law as relate to title deeds, settlements, trespass, and in general with such items as concern themselves or their occupations. They have further had to control church affairs as the result of the absence of an aristocracy.¹ But they were so poor that Grey had to make the property qualification for the franchise very low in order not to exclude large numbers of them.² Practically all the writers of this period were agreed that New Zealand was a poor man's country. It is true that by 1851 many pastoralists had established themselves there, that no one would attempt to stock a run who had not a property of at least £1,500, and that many of them soon became comparatively rich men. But three facts have to be borne in mind. In the first place, New Zealand did not owe the introduction of pastoral 'capitalists' to the Wakefield system: they came not because of, but in spite of the system. Secondly, although the wool they produced ranked high on the list of exports, they formed only a small section of the community. And lastly, neither their flocks nor their runs ever approached those of the Australian pastoralists in size or dimensions. In 1856 the biggest flock of sheep in New Zealand did not exceed 30,000, while in Australia many farmers possessed their 100,000.³ Runs which might extend to 400 square miles in Australia were in New Zealand limited to 30.⁴ In the end New Zealand did not escape the evils that follow in the train of the large landed proprietor. But the way in which the State dealt with him showed that power still remained in the hands of that characteristic product of New Zealand conditions, the small farmer, and his counterpart in the towns, the salaried worker.⁵

Yet it would be wrong to suppose that Wakefield and the other colonisers conferred no social benefits on New Zealand. It has been pointed out how carefully the emigrants were selected both as regards their character and the proportion between the sexes.⁶ To this may now be added the distinction,

¹ *Ibid.*

² *Ibid.* See below, p. 295, n. 1.

³ E. B. Fitton, *op. cit.* p. 221.

⁴ F. Fuller, *op. cit.* chapter viii.

⁵ For the laws designed to break up the great estates and to protect the worker against the capitalist employer, see W. P. Reeves, *op. cit.* chapters xxi. and xxii.

⁶ See above, chapter iv.

unique in the case of new colonies, which the comparatively large proportion of the English gentry that had emigrated under the Company's auspices conferred on its settlements. It is true that the proportion was not large enough for the purposes of the Wakefield system, but it sufficed to raise appreciably the tone of the settlements. Among them Nelson stood pre-eminent for the number of educated colonists it contained. Governor Grey wrote of its inhabitants in 1848 that they were

an extremely moral and industrious people, numbering amongst them a very large number of intellectual and highly educated persons.¹

On a previous occasion he had written concerning the inhabitants of all the southern settlements :

I can have no hesitation in recording it as my opinion, that there never was a body of settlers to whom the power of self-government could be more wisely and judiciously entrusted.²

New Zealand owes much to its *intelligenza* of those early days. They edited its newspapers, voiced the complaints of its colonists in powerful and choicely-worded petitions, served its Governors, especially the wisest and best of them all, in various official capacities, and represented its settlements in General and Local Legislatures. Were it not for them and their ceaseless petitioning (the inhabitants of Auckland were comparatively silent on the point of self-government), New Zealand would never have obtained the boon of free political institutions as early as 1852.

These are solid achievements. But Wakefield expected his upper class to do much more for the Company's settlements. His aim, as he put it himself, was not to establish new societies, but 'old societies in new places'.³ For this purpose the 'gentlemen' and their families would have to maintain their position at the top of the social ladder. But New Zealand was to prove no exception to the rule, already established by experience, that class distinctions, especially if based on birth,

¹ Governor Grey to Earl Grey, 17th March, 1848. *P.P.* 1847-8, xliii. p. 481.

² Governor Grey to Gladstone, 7th October, 1846. *P.P.* 1847-8, xliii. p. 255.

³ *England and America* (London, 1833), vol. ii. p. 258.

have no place in a British colony founded on free principles. The descendants of the gentry would perforce have to mingle with those of the *quondam* day labourer who had raised himself to the position of a land or flock-owner. Wakefield himself had expressed this point forcibly in the earliest of his writings on colonial questions :

Whilst, in old countries modes and manners flow downward from the higher classes, they must, in new countries, ascend from the lowest class.¹

In conclusion, then, it may be said that the Wakefield system had broken down completely—both economically and socially—at the first attempt of its exponents to apply it in its entirety to the foundation of new settlements. No doubt the various unfortunate circumstances we have mentioned had something to do with the *débauché*. But it has been shown why special stress has to be laid on the inherent weakness of the system itself as applied to a country like New Zealand. It is true that Wakefield himself clung obstinately to his scheme, refused to admit defeat, and blamed the Government for the ‘miserable mess’² of New Zealand colonisation. He continued to take an interest in the country and was instrumental in sending thither two more colonies which suffered from none of those disadvantages that were alleged to have blighted the prospects of the first three. But the fortunes of the Otago and Canterbury settlements, where the Wakefield system admittedly had the fair trial which its author had for so long been demanding, will have to be discussed in a separate chapter.

¹ *Letter from Sydney*, p. 197.

² *Art of Colonization*, p. 58.

VII

THE COMPANY'S LATTER DAYS

As long as Lord John Russell held the seals of the Colonial Department, the relations between the Government and the New Zealand Company continued on a friendly footing. But his tenure was short. In August, 1841, the Melbourne Government was displaced by Peel and the Tories, and Lord Stanley became Secretary of State for the Colonies. He remained at the Colonial Office for four years—years that were critical in the history of the Company and of the Colony it had founded. The lustre of Stanley's name, who, as Lord Derby, was thrice Prime Minister, albeit only for short periods, has somewhat paled of late. But in his day he was a great power in politics. Starting his career as a Whig he resigned from Melbourne's Government on the question of Church property in Ireland, and in 1835 joined the ranks of the Tories, where by virtue of his political faith he rightly belonged. Henry Taylor's opinion of him is worth quoting :

I think he was not chivalrous. He was a very capable and able man ; he had force, energy and vivacity ; and he was an effective speaker, always clear and strong, sometimes commonplace, but not seldom brilliant. He was not a man of genius ; nor could it be said that he had a great intellect. He had the gifts of a party politician . . . playing the game of politics with more of party than public spirit, and with not much perhaps of personal friendliness.¹

Greville, whose estimate of Stanley may be gathered from references scattered throughout his *Journal*, paints on the whole a similar picture ; but he was no friend of Stanley, and

¹ *Autobiography*, vol. i. p. 131.

his remarks, contradictory as they sometimes are, have to be received with caution. There can, however, be no doubt as to the fact of Stanley's masterful character. Pugnacity was his besetting sin : ¹ he loved a fight for its own sake, and when battle had once been joined, showed a starkly unyielding temper.²

His first tenure of the Colonial Office was in 1833, when he re-asserted the authority of the parliamentary chief which had been to a large extent compromised under preceding Secretaries of State, and came into collision with Stephen.³ His second and more important tenure was marked by the struggle of the Canadian Assembly for Responsible Government. Stanley did his utmost to stem the tide of full autonomy. He held that the Governor of a colony was responsible only to Her Majesty's Government and could select his advisers howsoever he chose.³ To this position he tenaciously clung throughout his sojourn at the Colonial Office,⁴ although he was obliged to accept, as a *fait accompli*, the concessions made by Sir Charles Bagot to the demand for Responsible Government. Those concessions were withdrawn under Bagot's successor, who, acting in the spirit of Stanley's instructions, very nearly wrought a second American Revolution.⁵

Such was the man with whom the New Zealand Company had now to deal. Issue was joined at once, nor was the feud healed throughout Stanley's *régime*, though towards its close it became less bitter. It was but natural that Stanley should not like the Company or its Directors. In the first place they

¹ Buller, in his great speech on New Zealand delivered in the House of Commons on 17th June, 1845, deplored Stanley's 'unhappy spirit of pugnacity which has been throughout his life the bane of every public interest with which he has been brought into connexion'. *Hansard*, 3rd series, vol. lxxxi.

² Another trait has been depicted in Bulwer Lytton's designation, the Rupert of Debate; while Aubrey de Vere dubbed him, less flatteringly, Autolycus Hotspur.

³ H. Taylor, *op. cit.* vol. i. pp. 130-4.

⁴ J. L. Morrison, *British Supremacy and Canadian Self-Government* (Glasgow, 1919), pp. 128-131.

⁵ *Ibid.* p. 158. Besides the notice in the *Dictionary of National Biography* there are in existence two lives of the fourteenth Earl of Derby, one by George Saintsbury, the other by T. E. Kebbel. It is noteworthy that neither has a word to say on his colonial policy.

were Whigs with pronounced leanings towards Radicalism : ¹ the views of their two chief spokesmen, Buller and Wakefield, must have been utterly repugnant to him. Secondly, their interpretation of the Treaty of Waitangi appeared to English minds to involve a policy of confiscation, and Stanley, though no Evangelical, was a sincerely religious man and a friend of the aborigines. In this matter, therefore, of the relations that should subsist between the Colonial Office and the New Zealand Company, Stanley and Stephen, although they differed on certain much more vital issues, found themselves in complete agreement.

Stephen's hostility continued unabated. On 15th December, 1841, he wrote a long memorandum instructing Stanley and his Parliamentary Under-Secretary Hope on the subject of New Zealand.² The New Zealand Company, it commenced, took possession of many lands in New Zealand without the consent of the Government. 'It was however judged right to tolerate their proceedings—a judgment from which I always ventured to dissent.' And a few passages further—'The Company had . . . discovered . . . that from the first I had been the opponent of their schemes. They had retaliated by bitter attacks on me in every form in which such hostility usually exhibits itself.' But Stephen's influence on New Zealand policy did not long survive Stanley's accession to office.³ The latter preferred to wage his war with the Company in his own pungent style.⁴ Earl Grey, too, dictated his own views on important New Zealand affairs.

The letters which passed between the Company and the Colonial Office during the years 1841 to 1845 still make inter-

¹ Joseph Somes, the Governor of the Company, was, however, a Conservative.

² C.O. 209/11.

³ The Company failed to realise this fact, and continued to believe that Stephen was its chief enemy. 'An impression prevails among us', says the *Twelfth Report* of the Directors, dated 26th April, 1844, 'that Lord Stanley himself does not participate in the constant ill-will of the Colonial Office and its officers in New Zealand towards this Company, which the correspondence in the appendices discloses', and it dwells upon 'the practical importance of the distinction here drawn between the Secretary of State and his subordinates'. *P.P.* 1844, xiii. p. 789.

⁴ The manuscripts in the Public Record Office show that Stanley often wrote the letters dealing with New Zealand affairs himself, and always revised very carefully the work of his subordinates.

esting reading, though the controversies that formed their occasion have been long since dead and forgotten. As examples of the art of polemics they would be difficult to parallel from official writings. Knowing that their correspondence with the Government would be published to the world the Directors caused every letter to be drafted with great care. They appointed a Committee of Correspondence of which Buller and Wakefield were the chief members; and many traits in the letters signed by the Company's Secretary¹ reveal the workmanship of the authors of the *Letter from Sydney and Responsible Government of Colonies*. On his side Stanley seems to have felt that his reputation not merely as an administrator, but also as an author, was at stake. The palm, however, must be adjudged to the Company's spokesmen. They wrote letters that were cunningly contrived to touch their readers' sympathies at many points. Sometimes they would reason with the Colonial Office, pointing out with unimpeachable logic where it had interpreted written agreements unfairly; at other times they would bait it with gentle irony or with more stinging shafts of sarcasm; and occasionally they worked themselves up to rare heights of righteous indignation in an attempt to hold up to public execration the authors of their own ills and of the sufferings of their unfortunate colonists.

The Colonial Office was genuinely troubled by these lengthy epistles. 'Of all the correspondents with whom we have had to do', wrote Stephen, 'there are none whose meaning more evades my attempts to grasp it than does the meaning of the New Zealand Company in these long, rhetorical letters'.² Stanley, Hope and Stephen often protested to each other against the tone of the Company's despatches. 'It should be more clearly understood by them', wrote the latter, 'that they are not privileged to disregard the ordinary courtesies of communication with the Minister of the Crown'.³ Buller admitted in his place in the House of Commons that the Company's letters to Stanley were not models of courtesy:

Its remonstrances were rough, and its letters long and peremptory in tone.⁴

¹ T. C. Harrington. ² *Memorandum*, 25th Feb. 1843. C.O. 209/26.

³ *Memorandum*, 6th Feb. 1843. C.O. 209/26.

⁴ 17th June. *Hansard*, 3rd series, vol. lxxxi.

As time passed the mood of the correspondents grew more and more bitter. In a letter to his brother-in-law, undated, but written probably a short time before the appointment of the 1844 Committee, Wakefield says :

The New Zealand war waxes hotter every week. The correspondence with Lord Stanley has now got to a ludicrous pitch of Billingsgate on both sides. Cheat, liar, fool are not common words in the letters, but express ideas commonly found there. There is little to choose between the parties as to fierceness ; but we have the great advantage of truth on our side. The correspondence rolls the proud Stanley in the dirt ; and how he will ever bring himself to let the public see it, passes my comprehension. His part is a series of tricks and falsehoods, which our part remorselessly exposes.¹

Anyone who cares to read through the correspondence alluded to may convince himself that Wakefield does not here exaggerate. The sequel will supply all the comment that is needed on the alleged prevarication of the Colonial Office.

The correspondence touches on a great variety of topics. There is first of all native policy. The Colonial Office, still strongly under the influence of Exeter Hall, accused the Company of disregarding the interests of the natives and wishing to trample on their rights. To which the effective retort was that the Company had gone to work on a far better system (that of native reserves) than the Government, which seemed to think that its duty was accomplished, when once it had paid the natives for their lands. But such payment, argued the Company, though it might satisfy a superficial sense of justice, was in reality worse than useless.

When the blanket is worn out, the second-rate finery turned to rags, the gun burst, the ammunition expended, the tool broken, and the day has produced its hour of intoxication, at the end of a year or two, or even ten, what better is the wild man for your gift ?²

The Colonial Government came in for a great deal of censure. The Company accused it of favouring the natives at the expense of the whites and of piling up fuel for a war of races in which the Maoris were bound ultimately to go to the wall.

¹ E. G. Wakefield to Rev. Charles Torlesse. B.M.M.S. Add. 35261.

² Somes to Stanley, 25th Jan. 1843. *P.P.* 1844, xiii. p. 321.

The location of the capital at Auckland and the Governor's hostility to the Cook's Strait settlements were other fertile sources of complaint. But the Colonial Office clung to its prescribed etiquette, and no complaints would it entertain on the score of the Government of New Zealand, unless they were transmitted through official channels. The Company, maintaining that it had a full right to be heard in its capacity as guardian of the southern settlers, implored the Colonial Office to lend it some degree of confidence and to desist from impugning its motives.

In the great days of English colonisation the Crown did not scorn the agency of companies sitting in this city, but including among them the first names of our aristocracy.¹

But these complaints, though dealing with vitally important matters, were not the main counts in the Company's indictment. There were two points with respect to which it thought, and rightly thought, that it could prove on the part of the Colonial Office, a definite breach of Lord John Russell's agreement. The first point related to the destination of the money received from the Company in payment of lands. 'For the present', ran the agreement (clause 4),

Her Majesty's Government agree that all sums of money which shall be paid by the Company for the purchase of land in New Zealand shall, whenever such money shall be paid in this country, be laid out in the removal of emigrants to New Zealand.²

But the proceeds of only one payment had been applied in the manner thus indicated, when the Colonial Office notified the Company that of future proceeds only one half would be devoted to emigration and the rest in whatsoever way the Government might direct. The Directors protested that the wording of the clause, and especially the use of the word 'whenever', could only be taken to indicate that the experiment would be persevered in for a number of years.³ The Colonial Office, employing what seems an irrelevant argument, retorted that the Company had done so well out of Pennington's Award that

¹ *Somes to Stanley*, 22nd Feb. 1843. *P.P.* 1844, xiii. p. 512.

² *R. V. Smith to Somes*, 18th Nov. 1840. *P.P.* 1841, xvii. See above, pp. 43-5.

³ *Somes to Stanley*, 20th April, 1842. *P.P.* 1842, xxviii. p. 341.

it ought to be satisfied with an unfavourable interpretation of the disputed clause.¹ After a lot of ink had flowed on both sides the Company managed to persuade Stanley to adopt a slightly more reasonable attitude: he agreed that, of the purchase money of the next 100,000 acres which the Company bought from the Government, one half would be applied to emigration and the other towards defraying the expenses of founding a colony on that land.²

In this matter of the interpretation of agreements the Company was completely at the mercy of the Colonial Office. Persuasion issuing in an appeal to the sense of justice of the Colonial Minister was the only means it could adopt. However strong it might think its case to be, an appeal to the courts was impossible, as no Government Department could be sued for breach of contract without the consent of the Law Officers of the Crown.

The second point to which allusion has been made was of far more vital importance. It concerned no less a matter than the Company's title to its estates in New Zealand. By the agreement with Lord John the Company had given up all claims to the 20 million acres of its alleged purchase in that country, while 'Her Majesty's Government admitted a claim to consideration on its part founded on justice and reason'.³ The extent of that claim was to be computed at the rate of one acre for every five shillings of expense incurred by the Company in its colonising activities. In the agreement nothing was said at all as to the validity of its purchases from the natives. Surrender of original claims was the only condition, and expenditure the sole criterion. The Colonial Office, however, sent a special Commissioner to New Zealand to enquire into the Company's title. So far, so good. Both the Company

¹ *Memorandum* by Stephen, 15th Dec. 1841. C.O. 209/11.

² G. W. Hope to Somes, 24th May, 1842. *P.P.* 1842, xxviii. p. 349. This arrangement worked out in practice as follows: The Company having proved an expenditure of £40,000 on emigration to Nelson and another £40,000 on public works in that settlement, the Government granted it in return 100,000 acres. The Government reckoning was £1 per acre: £80,000 expenditure only was required, since the Government had agreed to allow the Company a discount of 20 per cent. on all lands purchased from it.

³ Somes to Stanley, 24th Jan. 1843. *P.P.* 1844, xiii. p. 130. See above, pp. 43-5.

and its principal agent in New Zealand thought that the enquiry would be merely a formal one, and made no protest against the initial proceedings of the commissioner. But when the latter proceeded to impugn its title to its reduced estate, even to that part of it on which its colonists were located, things took on a different aspect. Its first procedure was to lodge a firm protest with the Colonial Office. The latter, however, maintained that Lord John had in his agreement proceeded on the assumption that the Company had fairly extinguished the native title to at least so much of its district as it would be proved entitled to under Pennington's Award:¹ otherwise the Crown would have been lured into a most disadvantageous transaction by one of its ministers—a transaction which it had the fullest right to repudiate. The Company's retort was clear and conclusive. It may be summed up as follows:

Whatever might have been in the minds of the negotiators, we have now to accept the words of the agreement as our sole guide. In that instrument the obligation of extinguishing the native title is nowhere mentioned. We claim from you (the Colonial Office) all the lands awarded by Mr. Pennington, free of all further charges. If you are not satisfied that the native title has been adequately extinguished, it rests with you, not with us, to take the necessary steps.²

The Colonial Office tried to turn this position by a series of subterfuges. It invoked Lord Normanby's instructions of 14th August, 1839. The Company, adverting to the 'known vacillation' of the Colonial Office, denied that its agreement with Lord John Russell should be interpreted according to the instructions, and applied to Lord John for an explanation of his intentions. He replied that he had expected the extent of unoccupied land that would fall to the Crown to be great enough to satisfy amply all claims of the Company on the score of Pennington's Award, even though its original title were invalid. He most decidedly considered the Government to be in the Company's debt.³

¹ Hope to Somes, 10th Jan. 1843. *P.P.* 1844, xiii. p. 308.

² Somes to Stanley, 24th Jan. 1843. *P.P.* 1844, xiii. p. 310.

³ Lord John Russell to Somes, 20th June, 1844. *P.P.* 1844, xiii. p. 700. He expressed this view even more forcibly in the great debate

But Stanley remained adamant. In January, 1843, Joseph Somes, the Governor of the Company, informed him that, unless better relations were established between the Company and the Government, the former would have to cease operations as a colonising concern, and become merely a land company making its profits from the sale of lands.¹ In the same month the Directors decided that, there being no prospect of obtaining a conclusive title, it was incumbent on them to stop colonising. They accordingly announced the cessation of all land sales both at home and in New Zealand; determined to send out no more emigrants; reduced their routine staff drastically, dismissed the whole of the surveying staff, and cut down salaries all round.² The project of a Presbyterian colony, which was being perfected throughout the year 1843, had, perforce, to be abandoned. The scheme of a Church of England settlement was nipped in the bud. Indeed, by the end of the year 1843 the Company was, to all intents and purposes, dead.

It is true that during the course of the year some sort of *modus vivendi* had been reached with Stanley, but it did not prove of much avail. On 12th May the latter assented to two proposals submitted by the Company, and originally suggested by himself. The first was that the Company should spend £50,000 on the colonisation of certain lands at Auckland which were to be provided by the Government;³ the second, that the Government should grant it a conditional title to the lands already selected by its agents: if any of those lands were subject to prior claims the Company was to have the option

on New Zealand in June, 1845. Addressing the Colonial Minister he said, in effect, 'you are bound to find for the New Zealand Company the number of acres it is entitled to under Pennington's Award. I believed, it is true, that it was in valid possession of large tracts of land, but the agreement does not depend on that circumstance'. *Hansard*, 3rd series, vol. lxxxi. pp. 938-9.

¹ Somes to Stanley, 30th Jan. 1843. *P.P.* 1844, xiii. p. 485.

² Ward to Col. Wakefield, 26th Jan. 1843. *C.O.* 208/166.

³ This project never materialised. The Company sent Mr. F. Dillon-Bell to select lands at Auckland, but Governor FitzRoy objected to certain selections made by him in the town. The whole question was then referred back to England, while the Company refrained from spending any money at Auckland. By the agreement of 1847 the Company gave up all the lands it claimed to have selected at Auckland.

either of receiving from the Government other lands in lieu thereof, or, if it was anxious to obtain them, to receive the exclusive right of pre-emption.¹ On 26th June, 1843, however, Stanley answered five questions put him by Captain FitzRoy, who was on the point of setting out as Governor of New Zealand, concerning the Company's title to land.² The Company considered those answers, leaving as they did the position exactly as it was before the new arrangement of 12th May, to be another breach of a written agreement. 'Under the pressure of time and fear'³ it had given up its interpretation of the old agreement with Lord John Russell, in order that it might obtain from the Colonial Office some relaxation of its intransigent attitude, but once again it had failed.

In March, 1844, the Company played its last card. It applied to Stanley for a loan of £100,000 in order to resume operations. He was willing to authorise a loan of £40,000, but on conditions that the Company could not fulfil.⁴ And so the parties separated, not without mutual recriminations.

The Directors now recognised that the only hope of a redress of their grievances lay in an appeal to Parliament. Their prospects were not unfavourable. A considerable proportion of them were members of Parliament, and not a few renowned for their debating powers. The names of all were well known and respected. Sir R. Inglis, one of the members for the University of Oxford, the spokesman of the Church Missionary Society and a staunch opponent of the Company, admitted in the House of Commons 'that there could not be found in this country a commercial body consisting of twenty-four gentlemen who possessed names of higher character or more entitled to respect.'⁵ A circumstance which would ensure even

F. D. Bell's *Evidence* before a Select Committee of the N.Z. House of Representatives on the N.Z. Company's debt. V. and P. session 1, section 7, No. 1.

¹ Hope to Somes, 12th May, 1843. *P.P.* 1844, xiii. p. 380.

² *P.P.* 1844, xiii. p. 677. ³ *Twelfth Report.* *P.P.* 1844, xiii. p. 780.

⁴ One of the conditions was that the Company should use the loan to satisfy the demands of its creditors. But it had already been compelled to refuse bills to the extent of £9,160. When Stanley heard this he immediately withdrew his offer. Hope to Somes, 4th April, 1844. *P.P.* 1844, xiii. p. 536.

⁵ 18th June. *Hansard*, 3rd series, vol. lxxxi.

greater respect for their views was the fact that, in the words of Sir James Graham, Peel's Home Secretary, 'the ramifications of that interest are most extensive, and also most powerful.'¹

And so it happened that, as its colonising operations dwindled and its prospects vanished, the Company became more and more vocal. Its first step was to persuade Parliament to appoint a Select Committee.² 'Yesterday', writes Wakefield to his sister, 'the New Zealand Company's proprietors learnt all the truth about their affairs—which is a great relief to me. We declared war to the knife with the Colonial Office: and last night the House of Commons, on Aglionby's motion, appointed a Select Committee to inquire into the whole subject.'³ The Committee consisted of fifteen members, ten of whom were 'general supporters' of the Government.⁴ Lord Howick was the chairman. In July, 1844, they brought out their *Report*. With the minutes of evidence and the appendices it filled a volume of over one thousand quarto pages, most of them in small print. The New Zealand Company had made a great effort to present its side of the question to the Committee. According to Wakefield the Directors were responsible for the arrangement of the appendices which formed the bulk of the evidence.⁵ Their efforts were fully justified by the result. The *Report* was a vindication of their point of view, as thorough-going as they could have expected, and remarkable when the personnel of the Committee is taken into account. Of the nineteen resolutions⁶ which summed up its findings, only one, the first, which spoke of the conduct of the Company

¹ 19th June. *Ibid.*

² Their terms of reference were: 'To inquire into the state of the Colony of New Zealand; and into the proceedings of the New Zealand Company.' *P.P.* 1844, xiii. p. 3.

³ Wakefield to his sister, 27th April, 1844. B.M.MS. Add. 35,261.

⁴ *Fourteenth Report*, p. 35.

⁵ 'You may guess how busy I have been when I tell you that our evidence appended to the Report occupied 800 or 900 pages of print.' Wakefield to his sister, 27th April, 1844. B.M.MS. Add. 35,261.

⁶ These resolutions were drawn up by Lord Howick, as was also the Report itself. The draft Report of Hope, Stanley's Parliamentary Under-Secretary, was rejected by the Committee. *P.P.* 1844, xiii. p. 30.

in sending out settlers to New Zealand, 'not only without the sanction, but in direct defiance of the authority of the Crown' as 'highly irregular and improper', implied censure on their proceedings.¹ The rest, in so far as they dealt with the matters in dispute between the Company and the Colonial Office, unreservedly justified the former's attitude. The Committee approved the Company's system of native reserves, and recommended the Government to apply it throughout New Zealand.² On the most important matter in dispute they spoke with no uncertain voice. Their fourth resolution says 'that the New Zealand Company has a right to expect to be put in possession by the Government, with the least possible delay, of the number of acres awarded to it by Mr. Pennington; that the Company has this right as against the estate of the Crown, without reference to the validity or otherwise of its supposed purchases from the natives, all claims derived from which have been surrendered'.³

The Committee made some caustic remarks on the proceedings both of the Home and the Colonial Governments. They considered that blunders had been made in New Zealand from the very outset:

The conclusion of the Treaty of Waitangi by Captain Hobson with certain natives of New Zealand, was a part of a series of injudicious proceedings, which had commenced several years previous to his assumption of the local Government.⁴

Their most questionable recommendations were those which dealt with the interpretation of the Treaty. They held that it ought to be interpreted according to

'those rules as to the mode in which colonization ought to be conducted, which have been drawn from reason and from experience',⁵ and quoted with approval the words of Sir George Gipps, who summarised the first of these maxims as follows:

The uncivilised inhabitants of any country have but a qualified dominion over it, or a right of occupancy only.⁶

Such a view, they continued, was confirmed by the Royal Instructions of December, 1840, which guaranteed to the natives

¹ *P.P.* 1844, xiii. p. 12.

² Tenth and Eighteenth Resolutions, *Ibid.* pp. 13-4.

³ *Ibid.* p. 13.

⁴ Second Resolution, *Ibid.* p. 12.

⁵ *Report.* *Ibid.* p. 3.

⁶ *Ibid.* p. 6.

only those lands which they actually occupied and enjoyed. They accordingly concluded

that the acknowledgment by the local authorities of a right of property on the part of the natives of New Zealand, in all wild lands in those islands, after the sovereignty had been assumed by Her Majesty, was not essential to the true construction of the Treaty of Waitangi, and was an error that had been productive of many injurious consequences,¹

and recommended that the exclusive right of the Crown to all lands not occupied by the natives or held from the Crown be forthwith vindicated.² But these conclusions were based on wrong premises: the framers of the Treaty of Waitangi, as has been explained in an earlier chapter,³ proceeded on a principle totally different from that enunciated by Governor Gipps. That Treaty might have been an 'injudicious proceeding', but it could only have one meaning, and that did not tally with the interpretation of the 1844 Committee. The missionary interpretation was ultimately vindicated, but only after a good deal of heart-burning—as the sequel will show.⁴

The publication of the Report caused a considerable stir in the country. Evidently there was here such a crisis as might arouse the interest of a larger public than generally concerned itself with colonial affairs. Dandeson Coates, recalling the fact that the missionaries played a paramount part in persuading the natives to accept the Treaty, entered an emphatic protest against the interpretation of its terms by the Committee.⁵ But his voice found few echoes in the country. If

¹ Third Resolution, *Ibid.* p. 13.

² Sixth Resolution, *Ibid.*

³ See above, chap. v.

⁴ See below, chap. viii. section 3.

⁵ Coates to Stanley, 14th Aug. 1844. *P.P.* 1844, xxxiv. p. 840. Throughout the period under review the Company continued to look upon the Church Missionary Society as an enemy. On 1st March, 1845, the *New Zealand Journal* addressed the following warning to the colonists. 'In treating of the acts of this body let the colonists beware not to confound them with those of the Church of England as established in the colony in the person of the bishop and his staff. These cannot but produce benefit. It is against the Church Missionary Society, as such, that we would warn them as against their deadliest foe; this powerful body appears determined not to cease from persecution until it has accomplished their ruin. Much may be prevented by the colonists themselves. Let them encourage by every means in their power the exertions of the bishop and the gentlemanly clergy; but, as they value

we are to judge by the views expressed in the press, Tory, Whig, Radical or non-party, public opinion was practically unanimous in condemnation of the accumulated blunders and imbecilities that had marked the colonisation of New Zealand. 'The *Morning Herald*, the Government organ', remarks the *New Zealand Journal*,¹ 'itself honourably leads the van in denouncing the injustice of their (*sic*) own party'.

In addition to the *Morning Herald*, the *Globe*, *Morning Chronicle*, *John Bull*, *Spectator*, *Examiner*, *Watchman*, the organ of the Wesleyan connection, *Colonial Gazette*, and a legion of provincial papers, all join in condemning the policy of the Government at home, and the conduct of the Government in the colony.²

The Times held its peace for some time, evidently unable to make up its mind which side to support, but at length opened its campaign with the words :

The interesting colony of New Zealand is in a position from which it must be rescued without delay.³

The object of that campaign, however, remained for some months in doubt, because the journal kept up its old attitude of hostility towards the Company, and yet was unable to support the policy of the Government.

But Stanley refused to read the signs of the times. Having been put upon his mettle, he was farther than ever from yielding to the storm raised by a body of merchants who dared interfere in affairs of state. Outwardly, indeed, he adopted a more friendly attitude towards the Company, but his inner mind was disclosed by the despatch he addressed to Governor FitzRoy as an accompaniment to the Report of the New Zealand Committee.⁴ He was quite willing to recommend the adoption

their well-being, let them scout the cobblers, tailors, gunsmiths, etc., of the Church Missionary Society.' The *Journal* went on to accuse Coates of broadcasting his pamphlet against the Company throughout every parish in the country, at the same time asking clergymen to beg their M.P.'s to oppose any measure in favour of the Company. Aglionby, one of the most prominent of the Company's Directors, himself received such a request from his clergyman.

¹ 17th Aug. 1844.

² *Ibid.* The journal quotes a number of the opinions expressed in the above-mentioned papers.

³ Quoted by the *New Zealand Journal*, 14th September, 1844.

⁴ Stanley to FitzRoy, 13th Aug. 1844. *P.P.* 1845, xxxiii. p. 3.

of the non-contentious resolutions, such as those dealing with the creation of Maori reserves and the imposition of a land tax. But not an inch did he budge on the main questions. He commenced his despatch by pointing out that the Committee's chief resolutions were adopted only by very narrow majorities. He then adverted to the Treaty of Waitangi: the Government was not concerned with its wisdom or unwisdom; its business was to carry it out. The Committee were entirely wrong where they asserted 'the right of the Crown to the whole of the unoccupied soil of New Zealand'.¹ Finally, he disagreed entirely with the Committee's recommendations regarding the Company's lands. On that subject, he told FitzRoy, you know my views. They have not changed: a *primâ facie* title is all the Crown can give.²

The Company, in blissful ignorance of these instructions, turned its truce with the Colonial Office to account by making a series of suggestions toward the better government of New Zealand and the improvement of its own position. These suggestions were developed in an interesting letter to Stanley, dated 5th May, 1845, and signed by Viscount Ingestre, who had succeeded Somes as Chairman of the Company.³ He argued that the parlous state of the white settlements of New Zealand was due to two main evils of which the first was the conflict between the Missionary and the Company's systems.

The avowed object of the missionaries has been to prevent colonization, to preserve the nationality of the New Zealanders, to keep them apart from European contact, and to maintain their exclusive property in the whole soil of the islands. Our system, on the contrary, was to treat the soil as unappropriated wherever it was not in some way occupied, to vindicate to the Crown the ownership of all the unoccupied expanse, to encourage the settlement of European colonists, and to turn to account the peculiar facilities which the aboriginal race of New Zealand seems to possess for intermixture and amalgamation with the European population.

The second evil was the erroneous constitution of the Company. By that instrument it acquired either too much or too little

¹ *Ibid.*

² *Ibid.*

³ *P.P.* 1845, xxxiii. p. 419. Ingestre's letter was modelled on a private communication addressed by Buller to the Colonial Office on 26th April, 1845. C.O. 209/39.

power. In a new colony colonisation is the chief business of government, and, therefore,

you ought to delegate all the powers of Government to those to whom you turn over the business of colonization.¹

Ingestre's remedy was the establishment of two separate governments in New Zealand, one for the northern part of the North Island, 'where there reside over 100,000 natives', the other for the rest of the country. So far neither the Missionary nor the Company's system had been given a fair trial: under the proposed arrangement the northern section would be governed entirely on Missionary principles, and the southern handed over to the Company. In order that the latter might adequately fulfil its function, it was to receive a proprietary charter corresponding to the charters of Pennsylvania and Maryland. The charter should confer on the Company legislative powers for one year: after that it should be obliged to share those powers with the settlers. Lastly, the old Company should cease to exist, or rather merge in a new Company with a capital of one million pounds. Interesting as it was, however, the scheme was Utopian. It involved the removal of the white settlers from the northern district, a policy for which the time was past. In the sphere of administration it merely proposed the substitution of one absentee government for another. Stanley waited for a few weeks and then sent a curt rejection.

During those few weeks important negotiations took place between Charles Buller on behalf of the Company and Sir James Graham and Stanley for the Government. According

¹ This idea was further developed in various letters sent to the Colonial Office during the year 1846. Auckland and Kororareka should be abandoned, wrote a Special Committee of Directors appointed to consider a scheme of Wakefield's, and 'all our efforts concentrated in the colonization of Cook's Strait and the Middle Island.' Their Report is dated 1st April, 1846. C.O. 208,188. It should be remarked that the idea of being governed by the Company never found favour with the southern colonists. The *New Zealand Spectator*, whose hostility to the Company often renders its views valueless as an index of public opinion, did not exaggerate when it wrote on 30th Dec. 1846 that 'it is impossible to describe the unanimity with which the settlers would oppose any attempt on the part of the New Zealand Company to establish a Proprietary Government in this colony'.

to the report of a Secret Committee of the Company,¹ which was not contradicted by the Government, Stanley agreed to enter into negotiation with them on the basis of Buller's scheme,² provided the latter withdrew a motion that was standing in his name on the question of New Zealand. Negotiations started early in May, but Stanley and Graham from the outset found insuperable difficulties in the plan.³ As an alternative, they suggested that the Government should buy up the interests of the Company, and pay off its shareholders. The proposal must have had its attractions, as the Company was by this time bankrupt. But, says the Report of the Secret Committee, the Directors preferred honour to immediate pecuniary gain: being unable to obtain sufficient guarantees for their settlers, they firmly rejected Stanley's offer.⁴

Now, indeed, there was to be 'war to the knife'. The Company needed no more evidence to prove that Stanley had hardened his heart against the Report. Parliament alone could vindicate the decisions of its Committee, and to Parliament they accordingly turned. Buller gave notice of the following motion for 17th June, 1845:

That this House will resolve itself into a Committee to consider the state of the Colony of New Zealand, and the case of the New Zealand Company.⁵

The Colonial Office must have felt very uncomfortable about the debate that was to follow. His sharp tongue had made Stanley many enemies, and the office he administered was

¹ *Eighteenth Report*.

² See above, p. 190.

³ *Eighteenth Report*, pp. 10-13.

⁴ *Ibid.* Wakefield is evidently referring to this negotiation in the following extract from an undated letter to his sister: 'The negotiation is over, and has not ended in any agreement. Our proposal is rejected by Stanley; and we have rejected an offer from him to pay off the shareholders of the Company. The whole must come out next week, and will, at least, have the effect of improving our position: since the Government has entertained the plan of handing over to us the sovereignty of New Zealand, and has offered the shareholders *full* compensation for their loss of £300,000. I am better than might have been expected, and have been able to take all the part I wished in the negotiation and in rejecting the offer of the Government.' B.M. MS. Add. 35,261.

⁵ *Hansard*, 3rd series, vol. lxxxi. p. 726.

probably the most criticised of all Government departments. Throughout the period under review, both before and after the great New Zealand debate, the Colonial Office was subjected to continual attacks on the score of misgovernment of individual dependencies or general colonial maladministration. The leaven of the Colonial Reformers was at length beginning seriously to work. In the House of Commons the attack was conducted by Sir William Molesworth, whose motions on colonial mismanagement came to be regarded as an annual event of considerable importance.¹ Having started their campaign with the advocacy of systematic colonisation on the Wakefield system, the Reformers were now attacking the Colonial Office all along the line. The motions that led to the colonial debates of 1848, 1849 and 1851 criticised the 'Office' for its wasteful administration, and advocated the granting of the powers of self-government to the colonists as a means of reducing colonial expenditure. The cry was taken up in the country. Other newspapers, in addition to those that had always taken a particular interest in the colonies (the *Colonial Gazette* and *Spectator*, for example), began to open their columns to articles on the colonies and colonisation. It became more and more the fashion to speak slightly of the Colonial Office. In so far as the educated public thought about the matter at all it would probably have agreed with the following sentiments culled from the *Spectator*:²

The Colonial Department which ought to be for the outlying districts of the empire what the Home Department, Treasury, Board of Trade, and Chancery are for the central islands, is an inefficient board of a few managers and clerks physically incapable of discharging the multifarious duties which devolve upon them—ingloriously contented to go through certain routine forms, leaving all real business neglected—wasphishly impertinent and obstructive to all who either urge them to perform the business of their office, or offer to supply their omissions. Incapable of

¹ 'It cannot be justly said that Sir William Molesworth's annual motion on our colonial system is impertinent or ill-timed.' *The Times*, 28th June, 1840. Molesworth once summarised his opinion of Colonial Office administration in the following aphorism: 'Government by the misinformed with responsibility to the ignorant.' Mrs. Fawcett *Life of Sir William Molesworth*, pp. 265-270.

² Quoted by the *New Zealand Journal*, 18th Jan. 1845.

even conceiving the functions of the office in which they are placed, they are at the mercy of the crotchets and caprices of every clique and coterie that can gain their ears. The West Indian Colonies have been ruled since the beginning of the century by the Anti-Slavery Society, the southern Colonies by the Missionary Societies, other colonies and dependencies by this or that great company or private interest.

The Colonial Office was rendered the more unpopular by having as its Permanent Under-Secretary a man who was universally hated and distrusted in the country. On the sinister character and influence of this mole among men newspapers of every shade of political opinion found themselves for once in agreement. A chorus of approval greeted the announcement of Sir James Stephen's retirement at the end of 1847. We shall let the *Morning Herald*, the Tory organ, speak for those of its contemporaries that commemorated the event.

The retirement of Mr. James Stephen from the Colonial Office is an event too serious and significant not to be chronicled in something more than a mere paragraph. For thirty years or upwards this sedate, sanctimonious, and most subtle of men—without noise or display—by the mere exercise of unbounded craft—a huge dissembling—a large stock of Italian diplomacy—the profoundest reserve—silence, solemnity, astuteness, and intellectual power—contrived to govern a greater number of human beings—and of more diversified races—than either the Czar of Russia or the Emperor of Austria.¹

And some paragraphs further down :

A great humanity-monger in the mass, Mr. Stephen was often unjust, and even cruel in particular instances, whether with regard to communities, to sections of them, or to private individuals ; and for this reason there is scarcely a person connected with the colonies who will not rejoice at his removal from a position in which his injustice, hollowness, insincerity, double-dealing, superciliousness, and Jesuitism were often so apparent.

Much of this criticism was ill-informed and unjust.² No contemporary could tell the extent of Stephen's power, and whether he exercised a good influence or an evil, since no man had seen the manuscript records of the Colonial Office, from

¹ 6th November, 1847.

² ' There is nothing so easy as to make an onslaught on the Colonial Office. And that which is easily done will generally be overdone.' *The Times*, 28th June, 1849.

which alone conclusions could be drawn. Nor were Molesworth's strictures on colonial administration always based on sound information or his suggestions the result of profound thought.¹ It was chimerical to suppose that colonial expenditure could be reduced all at once from four to two millions per annum.² His grand panacea for all the ills from which the colonies suffered—their endowment with free institutions³—

¹ Three of his favourite schemes were the payment of Colonial Governors by the British Treasury, the transference to the Governor of the Colonial Office veto, and the division of the subject matter of Colonial legislation into local and imperial topics. In 1850 Molesworth introduced a constitutional Bill for the Australian Colonies embodying these ideas. *New Zealand Journal*, 23rd March, 1850.

² See Molesworth's speech on his 1848 motion. *Hansard*, 3rd series, vol. c. p. 854. In the true Radical spirit he proposed to cut down the military and naval expenditure on the colonies drastically. He even wished to see some of them abandoned. 'Our military stations', he said in the speech alluded to above, 'are Heligoland, Gibraltar, Malta, the Ionian Islands, Bermuda, the stations on the West Coast of Africa, St. Helena, the Cape of Good Hope, the Mauritius, Hong Kong, Labuan, and the Falkland Islands. What do these stations cost us; of what use are they to this country? They are called the outposts of the British Empire, and they are supposed to be useful in periods of war, for purposes of aggression. But it appears to me that most of them are so far removed from the centre of the empire that in time of war they would be sources of weakness and not of strength; for they would compel us, contrary to every sound principle of warfare, to scatter instead of concentrating our forces'. The Bermudas—'these worthless rocks'—Sierra Leone and 'the other stations on the West Coast of Africa' he particularly wished to see abandoned. *Ibid.* pp. 821-2.

³ In 1850 was formed the Colonial Reform Society. Its chief object was 'to aid in obtaining for every dependency, which is a true colony of England, the real and sole management of all local affairs by the colony itself, including the disposal of waste lands and the right to frame and alter its local constitution at pleasure.' Its most prominent member was Molesworth. *New Zealand Journal*, 12th January, 1850. Wakefield still stood behind the Colonial Reformers. He was in constant correspondence with the leaders of the band, and they often came to see him at his cottage in the garden of the White Hart Inn, at Reigate. On page 173 of *The Founders of Canterbury* (edited by E. J. Wakefield, Christchurch, N.Z., 1868), a volume which proves without a doubt their indebtedness to Wakefield for many of their schemes, and even for the substance of some of their most important speeches in Parliament, there is the following memorandum: 'Rintoul, Adderley, Molesworth, and FitzGerald passed the day here (i.e. Reigate); when we settled programme of Society for the Reform of Colonial Government, with list of

required to be applied with circumspection. The West Indies, which Molesworth instanced as the most terrifying examples of Colonial Office mismanagement, were, with their predominantly negro populations, obviously unfitted for free institutions. The critics failed also to realise sufficiently the inherent difficulties of all colonial administration, difficulties which would remain however much the 'vicious system' was altered. It was a subject of common remark that the achievements in office of would-be colonial reformers were insignificant when contrasted with their grand schemes while in opposition. Finally, when the Colonial Office was baited in Parliament by its numerous critics, might it not retort with some justice that 'a popular assembly cannot govern an Empire', and that ill-judged parliamentary interference and the fear of ill-informed criticism had often impeded its most salutary measures? ¹

It is not, however, within our province to discuss in detail the question as to how far the criticism of the Colonial Office was just or unjust. We have merely to record its effect on public opinion and particularly on opinion within the House of Commons. There it was such that all parties were prepared to receive Buller's motion sympathetically. He introduced it in a powerful and eloquent speech with arguments well marshalled and rising to a noble climax, a speech altogether worthy

persons to be asked to become members of the Council; also heads of intended Bill for N.S. Wales, to be brought in by Molesworth; also terms of notice of motion to be given on first day of session.' The memorandum is dated 15th Dec. 1849.

¹ A case in point is the savage attack made in Parliament on Lord Torrington on the score of unnecessary harshness in the suppression of the Ceylon Insurrection of 1848. The Opposition recklessly used the occurrence as a stick to beat the Government with. Earl Grey considered that the attacks on Torrington deterred Sir Harry Smith from dealing as drastically as he otherwise might have done with the first signs of disaffection in the Cape Colony which developed into the hideous Kaffir War of 1850.

(*The Colonial Policy of Lord John Russell's Administration*, vol. ii. letter xi. and pp. 237-240). There has been of late a remarkable resuscitation of Colonial Office criticism, which shows that the problems connected with the government of scattered colonial territories from a central source will always remain with us. See Sir F. D. Lugard, *The Dual Mandate in British Tropical Africa* (London 1923), chapters viii. and ix.

of an important occasion. It told the whole unfortunate story of British colonisation in New Zealand, touching on the hostility of the Church Missionary Society, the conclusion and interpretation of the 'irregular' Treaty of Waitangi, the establishment of the capital at Auckland instead of at Wellington: thence he passed to the acts of the Governors, castigating the weakness of Hobson and the ruinous absurdities of FitzRoy. In the last resort, however, it was, he maintained, the Colonial Office that was responsible for the ruin of a promising colony: the history of the grievances of New Zealand and its founders 'is, in truth, the history of the war which the Colonial Office has carried on against the Colony of New Zealand'. And, more strongly still, the ruin of New Zealand 'is the work of your Colonial Office, animated by unrelenting animosity to a colonisation begun in opposition to its narrow views, and effecting its purpose by a Commissioner of Land Claims, a rival seat of government, and a reckless tampering¹ with the wild passions of a savage race'.² Among other speakers Howick and John Russell made weighty contributions to the case for the New Zealand Company, while Hope, Cardwell, Sir James Graham and the Prime Minister did their best for the Government. As the debate progressed it became evident that, if members were allowed a free vote, Hope and Stanley would not escape a vote of censure, Buller having intimated his intention to propose the identical resolutions of the 1844 Committee, except the first, if his motion to go into Committee were carried. Peel realised that the only way of retaining the services of his Colonial Minister, whom as the 'Rupert of Debate' he could ill afford to lose, would be to make the impending division a party question. In this way Buller's motion was thrown out by a massed Conservative vote, the figures being 223 to 173.³

The result of the division, however, was of comparatively minor importance. What chiefly mattered was that the Company had at length succeeded in placing the Colony of New Zealand within the very focus of public attention. The House of Commons was notoriously indifferent to colonial affairs. It

¹ This 'tampering', according to Buller, was the real cause of the Wairau Massacre.

² *Hansard*, 3rd series, vol. lxxxi. p. 725.

³ *Ibid.* p. 968.

had become a fixed tradition with speakers on colonial questions to preface their speeches with an apology for taking up the time of the House with such dull subjects.¹ Members generally left the House when the colonies came up for discussion, and many a time was it 'counted out' during a colonial debate.² Parliament never seriously attends to a colonial question', wrote Wakefield in 1849, 'except only when the question is used for party purposes in this country'.³ And again, 'Do you think it was anything but strong party feeling here, without any regard to New Zealand, that enabled us, in 1845, to make a debate in the House of Commons on New Zealand affairs, that lasted three days?'⁴ For the House of Commons to devote three whole days to the discussion of the affairs of a small and remote colony was indeed a circumstance almost unprecedented.⁵ It was by far the longest colonial debate since the year 1838, when for seven consecutive debating days⁶ the Commons discussed the Canadian Rebellion and the Government Bill for the Suspension of the Constitution of Lower Canada.⁷

In the speech introducing his motion Buller had warned the House that FitzRoy and his officials were heading straight for a war with the Maoris.⁸ His prophecy had already been fulfilled. The war with Heki in the North had broken out many months previously, though the news did not reach England till July. It seemed to clinch the Company's argument. Nor did

¹ Even Buller paid homage to the tradition. In the debate just described he used these words: 'Indifferent as in general you naturally are to the fortunes of colonists of which you see nothing.' . . . *Ibid.*

² This happened even on important occasions, as, for example, on 25th July, 1848, when Molesworth's annual motion on the colonies was under discussion. *Hansard*, 3rd series, vol. c. p. 877.

³ Wakefield to Hon. H. Petre, 20th Sept., 1849. Quoted in the *New Zealand Spectator*, 20th Feb., 1850.

⁴ *Ibid.* Wakefield was always prone to exaggeration, and he exaggerates here. The 1845 debate did not become a party question till its later stages. Nevertheless the assertion contains an important element of truth.

⁵ 'Parliament has given three days to the colonies!' wrote the *Spectator* exultingly. Quoted by the *New Zealand Journal*, 5th July, 1845.

⁶ 16th to 29th Jan., 1838.

⁷ *Hansard*, 3rd series, vol. xl.

⁸ *Ibid.* vol. lxxxi. pp. 721-2.

the Directors lose this golden opportunity of making another debate on New Zealand.¹ Buller was once again their chief spokesman. This time his motion was more definitely one of censure on the Government, and as such courted a party vote.

This House regards with regret and apprehension the state of affairs in New Zealand, and those feelings are greatly aggravated by the want of any sufficient evidence of a change in the policy which has led to such disastrous results.²

This debate cannot be compared to the previous one either in range or eloquence: the House was evidently beginning to tire of the subject. The result was never in doubt.

We shall be beaten in the Commons by a larger majority than before

wrote Wakefield on the second and last day of the debate,

as Peel has staked his Government on the issue, and people would send New Zealand, not to mention all Polynesia, to the bottom of the sea rather than turn him out *for such a cause*.³ But Stanley is gradually ruining himself, and everybody says he will retire when things are quiet.⁴ We mean to fight to the last—even on our stumps.

No new arguments of any importance were brought forward in the debate: its chief interest lies in a brief and piquant speech by Roebuck attacking the Church Missionaries and James Stephen, in the defence of the latter by Peel, Labouchere and John Russell, and in the Prime Minister's support of the policy of his Colonial Secretary.⁵ The motion was ultimately lost by 155 votes to 89.

¹ 21st and 23rd July, 1845. *Hansard*, 3rd series, vol. lxxxii.

² *Ibid.* p. 830.

³ Wakefield to his sister, 23rd July, 1845. B.M. MS. Add. 35.261.

⁴ Stanley did in fact retire soon after this. His name was not included in the new cabinet formed by Peel at the end of 1845. The chief cause of his retirement was undoubtedly his attitude on the Corn Laws, though his New Zealand policy may have had something to do with it. The *Spectator* affected to believe that the latter was the main reason, since Stanley least of all the Ministers had compromised himself in the matter of the Corn Laws. See *New Zealand Journal*, 3rd Jan., 1846.

⁵ He categorically refused to supersede 'one who has discharged his official duties with almost unexampled ability.' 23rd July. *Hansard*, 3rd series, vol. lxxxii.

By this time, however, the country was thoroughly roused. Outside the House, in circles not connected with the Government or the Missionaries, there was now but one opinion on the New Zealand question. That opinion is reflected in a petition signed by 'a considerable portion of the leading merchants and banking firms of London'¹ and presented to Parliament in March 1845. It unequivocally supported the claims of the Company,

showing that the renewal of the differences with the Colonial Department, and the simultaneous occurrence of distractions and disputes in the colony, having produced universal dissatisfaction and complaint, sowed the seeds of alienation between the European and native races, and reduced both the newly-founded settlements and the New Zealand Company to the verge of ruin, your petitioners in common with the whole British community, viewed with the most lively interest the appointment by your hon. House, during the last session of Parliament, of a Select Committee to inquire into the state of New Zealand, and the proceedings of the New Zealand Company ;

and

that the publication of the Report of that Committee, with the evidence on which it was founded, has satisfied your petitioners that the New Zealand Company and the colonists who emigrated under their auspices have been exposed to hardships and difficulties, the result of the policy on the part of the Colonial Office and the local authorities, which call for prompt interference and redress.

The petitioners, therefore,

earnestly pray that your hon. House will be pleased at once to adopt such decisive measures as will secure to the colonists in New Zealand all the benefits of just law and government, to which, as British subjects, they have an inalienable claim. . . . And they further pray that such reparation for the past, and security for the future, may be granted to the Company as may vindicate the honour of the State and restore the Company to the sphere of usefulness for which it is so well adapted.²

The all-powerful *Times*, too, had at length come over to the Company's side.

When the opinion of its own Committee is backed by such a

¹ *The Times*, 22nd March, 1845.

² *New Zealand Journal*, 29th March, 1845.

demonstration of the opinion entertained outside the house as this

(it is referring to the Merchants' and Bankers' Petition),

we hope that Parliament will not allow the well-being of a new and important colony . . . to be tampered with or trifled in order to gratify feelings of false pride, which boasts that it may be led but not driven. A victory over a troublesome body of merchants may be a tempting object to strive for ; but though this is sport in Downing Street it is death in New Zealand ; and we would most respectfully hint to the ennobled secretary that he might follow a graceful precedent by forgetting the Commoner's quarrels, and at the same time achieve a more magnanimous triumph than the angry passions of others can afford him scope for.¹

This time Stanley was obliged to bow to the storm, and from July 1845 the relations between the Company and the Colonial Office gradually improved. On 24th July, 1845, the day of the close of the second New Zealand debate, Lord Ingestre wrote to Stanley suggesting conditions for a settlement.² They followed the lines of those which had been often proposed by the Company and as often rejected. Now, however, Stanley was prepared to consider them sympathetically. After a considerable amount of correspondence the treaty that was to end hostilities was signed. Stanley recognised the right of the Company to the 1,200,000 acres to which successive awards of Mr. Pennington had entitled it. He was even prepared, under certain conditions, to increase this area to 1,300,000 acres.³ The Government further agreed to compensate the Company at the rate of five shillings per acre for any outlay incurred in perfecting its title by the extinction of native claims.⁴ At Otago the Company was to receive an unconditional grant of 400,000 acres, and, in the Wairarapa valley, where it intended to establish a Church of England Settlement, permission to purchase 300,000 acres.⁵ Each of its settlements was to become a municipality endowed with large powers in local affairs. The municipalities were to send members to a General Legislature in which, however, the delegated portion was not to form a majority.⁶ Lastly, there

¹ 22nd March, 1845.

² *P.P.* 1845, xxxiii. p. 445.

³ Hope to Young, 28th Oct., 1845. *P.P.* 1846, xxx.

⁴ Hope to Ingestre, 7th Aug., 1845. *P.P.* 1845, xxxiii. p. 447.

⁵ *Ibid.*

⁶ *Ibid.*

was the question of a loan, without which the Directors urged that they could not continue operations. Colonisation, they insisted, must be carried on 'comprehensively' or not at all. At the present moment they were £60,000 in debt.¹ Stanley agreed to lend them £100,000, to be secured on all their lands, and to bear interest at the rate of 3 per cent.²

But the Company was not yet satisfied. It wanted something more than a loan: it required a guarantee for the future. And the only sufficient guarantee would be the grant, forthwith, of full powers of self-government to New Zealand. In their *Twentieth Report* the Directors suggested to the proprietors that, if Parliament were to separate without conferring a free constitution on New Zealand, the Company should be automatically dissolved. The *Report*, including the above suggestion, was unanimously adopted. It was a conspicuously able document, but could have left the shareholders in no doubt as to the critical condition of the Company's affairs. 'Your subscribed capital of £300,000 is expended or mortgaged.' Another sum of £300,000 received from settlers in payment for lands has been spent, but the Company has no title to show for it. Many settlers are coming back from New Zealand, their prospects blighted and their capital gone.

You really do nothing at present but continually augment the excess of your liabilities over your assets. Of the functions attributed to you by your Charter, not one is performed by you. We come here to fritter away borrowed money, to consider claims which we have no means of satisfying, to hear the most distressing complaints without being able to assist the sufferers, and to frame representations to the Government which only end in disappointment. . . . Our own inclination is altogether in favour of the abandonment of the enterprise.³

Deliverance, however, was at hand. Not much, indeed, was to be expected from Peel's dying administration, even though Gladstone had taken Stanley's place at the Colonial Office. But in June 1846 the Ministry fell, and Earl Grey became Colonial Secretary in the Government of Lord John Russell which succeeded it. The hopes of the colonisers revived. Had

¹ Young to Stanley, 5th Aug., 1845. *P.P.* 1846, xxx. p. 437.

² Hope to Young, 30th Aug., 1845. *Ibid.* p. 440.

³ *Twentieth Report* (dated 29th May, 1846), pp. 11-12.

not Lord John first given them a charter? And Grey, had he not, as Chairman of the 1844 Committee, been the champion of their rights and of their theories? Nor was Grey's interest in those theories of recent growth. Throughout his political life he had been keenly interested in colonial administration. Though he had not joined the ranks of the 'Reformers of 1830', he had been responsible for the first partial application of the Wakefield system to colonial lands,¹ and had incessantly advocated the extension of the principle of local self-government in the Empire. The colonisers had further reasons for rejoicing. Benjamin Hawes, a staunch adherent, had become Earl Grey's Under-Secretary,² and Charles Buller, their ablest parliamentarian, had consented to enter the Government as Judge-Advocate-General, with the express provision that he should assist at the Colonial Office. With 'Reformers' at length for the first time in the Government, surely much might be expected for the colonial empire and their own colony of New Zealand.

The Directors lost no time in once more presenting their case. They again urged the division of New Zealand into two entirely distinct provinces, the southern province to be governed by themselves under a Proprietary Charter.³ But they were willing to postpone this matter for later consideration, provided the Government gave proof of its 'good intentions' by passing a constitutional measure that same session. Earl Grey conformed to the Company's wish: he and his Under-Secretary piloted through Parliament the Constitutional Act of 1846, which was to establish representative institutions in New Zealand.⁴ The ground was now cleared for a complete and final understanding.⁵ But from Grey the Directors naturally asked for much more than they had been content to receive

¹ See above, chapter i.

² This, of course, necessitated his resignation from the Company's direction.

³ *Twenty-first Report* (dated 30th Sept. 1846), p. 5.

⁴ *Ibid.* pp. 5-6. See below, chap. viii. § 4.

⁵ The letters summarised below are merely the final outcome of lengthy confidential negotiations. They were agreed upon by both parties. Buller was the Government's chief representative, and the text of the final agreement is in his handwriting. Buller to Harrington, 7th Sept., 1848. *P.P.* 1852, xxxv.

under Stanley. The latter had refused to take any account of the 'losses to which the Company had been subjected directly or contingently' by the policy of the Home and Colonial Governments.¹ The Bill which the Company presented to Grey took full account of these losses. They were due, said Harrington in a letter dated April 1847, firstly, to the failure of the Home Government to fulfil any of its engagements entered into under four agreements,² and, secondly, to injuries inflicted in the colony—a truly impressive catalogue was recited—by Hobson, Shortland and FitzRoy.³ The losses when computed in money values totalled £225,000, comprising £190,000 which had been spent on colonisation since January 1843 (and 'absolutely thrown away'), and £35,000, being interest owing to the shareholders for 3½ years. The Company claimed repayment of this £225,000, and of such additional sums as might be proved later on.⁴ Grey, in reply, was ready to treat it generously.⁵ He admitted that Her Majesty's Government had injured the Company by various of its actions. He was prepared to acknowledge the great services it had already rendered and still might render to the cause of systematic colonisation. His object was, he continued, to revive public confidence in the Company by showing that it was supported by Government, and so set it on its feet once more. The Government had decided to try an experiment with it for three years, during which time it was to have the entire disposal of the Crown lands as well as the sole right of pre-emption over the native lands in the Southern Government of New Zealand.⁶ The particulars of the agreement are embodied in

¹ Hope to Young, 28th Oct., 1845. *P.P.* 1846, xxx.

² These agreements were: that with Lord John Russell, in Nov. 1840; two agreements dated respectively June 1841 and Aug. 1842, under which the Company purchased lands from the Government with the promise of deeds for those lands; and the agreement with Stanley of May 1843.

³ Harrington to Earl Grey, 23rd April, 1847. *P.P.* 1847, xxxviii. [837], p. 104.

⁴ *Ibid.*

⁵ Hawes to Harrington, 1st April, 1847. *P.P.* 1847, xxxviii. [837], p. 108.

⁶ *Ibid.* The 'Southern Government of New Zealand' included the whole of the South and Stewart's Islands as well as the southern portion of the North Island.

a letter addressed by Stephen to the Treasury.¹ The former must have found it particularly hard to set his signature to terms marking, as they did, such a complete *volte face* in the policy, not unfairly described as a dog-in-the-manger policy, which had been pursued hitherto by the Colonial Office. The Government was to advance to the Company a further sum, in addition to the £100,000 already promised by Stanley, covering its entire liabilities and all colonising expenses for three years. These two items would involve £79,000 and £77,000 respectively. But since £20,000 of Stanley's loan was still due to the Company, the new loan would only amount to £136,000. If at the end of three years, Stephen's letter continued, the Company is in a position to continue its operations, the Government will have given redress for the injuries inflicted on it. In that case the Company shall repay the principal of its debt, which will then amount to £236,000, but no interest, since the Government on its part owes the Company interest on the damage it inflicted. To discharge this debt the Company shall annually hand over to the Government one-quarter of its clear profits. If, on the other hand, it is not able to continue, and the injuries inflicted by the Government are thus shown to have been irreparable, the Government shall remit to the Company all advances made by it, and, in addition, shall take over, at the rate of five shillings per acre, the whole of its landed property in New Zealand.² The value of that property shall be fixed in advance at £268,000. In order that the Government may be sure that its money is wisely spent, it shall appoint a Commissioner to act on the Board of Directors, without whose consent no important decision may be taken.³

The Company, of course, gratefully accepted these terms. But both in England and in New Zealand there were to be found many persons who considered them far too favourable.⁴

¹ Stephen to Trevelyan, 6th May, 1847. *P.P.* 1847, xxxviii. [837], p. 100.

² It shall also take over all the 'remaining debts' of the Company. *Ibid.*

³ *Ibid.*

⁴ *The Times* had no objection to the loan, provided the Company discharged its public functions: 'That a few disinterested men should be carried on the top of the mounting wave to riches and honour is no objection to such a scheme.' 16th Oct., 1847.

They were attacked in Parliament, and, when New Zealand in 1852 obtained its Assembly, and the latter had to find the money due to the Company, one of the Committees of the House of Representatives animadverted very severely on the arrangement.¹ But the Government having once admitted the justice of the Company's claims, it is difficult to see how it could have acted subsequently otherwise than it did. It had perforce to replace the capital lost by the Company in the colonisation of New Zealand and pay the shareholders a just dividend. The proviso that the Company should, if it ceased colonising, surrender all its lands at a fixed valuation was statesmanlike, taking out of its hands a dangerous power of glutting the market with cheap land or of selling with a sole regard to its own interest.

But for the moment it did not seem at all likely that the Company would cease operations at the end of three years. It had now really become what it had so long aspired to be, an instrument of government in the colonisation of New Zealand. A future of boundless prosperity seemed once again to lie ahead. The Directors conjured up a vision of the vast empty spaces of the colony being gradually filled by an unending stream of emigrants from home, emigrants so well selected that 'a few generations shall offer to the world a counterpart of our country' in all its most cherished peculiarities.²

So the Company resumed operations. But those who expected great results from the flourish with which the intention had been announced were sadly disappointed. Within a year they were asking, 'Why is the Company doing nothing'?³ And the only reply the latter could make was that it did not know yet which lands were available in the southern district⁴ - a lame excuse, since it did know that the whole of that district was practically devoid of inhabitants, and that, under a Government which was now sympathetic, it would be easy to acquire a title to as much land as was needed. As the first and second years of the period of probation slipped by expressions of disapprobation became louder. People began to wonder what had happened to the energy that founded a new colony under the most adverse circumstances. Energy and resolution were, indeed, the qualities required in the early days,

¹ V. and P., H. of R., session ii. section 7, No. 5.

² *Twenty-third Report*, p. 2.

³ *Twenty-fourth Report*.

⁴ *Ibid.*

replied the Directors, but the heroic age is past, and the qualities now most needed are prudence and caution. Which, the *New Zealand Journal* told them, was as good as saying that they were going to remain sitting with folded hands.

It would not be fair, however, to accuse the Company of doing absolutely nothing. It sold a few additional acres in its old settlements, and every two months despatched a ship to New Zealand.¹ More important was its work in connection with the two 'class' settlements of Otago and Canterbury. If it is true that it was not directly responsible for the foundation of these settlements, the sale of land and selection of emigrants being conducted by the Otago and Canterbury Associations, it is yet safe to say that the Otago project would in all probability have evaporated, and that the Canterbury scheme would certainly have remained a dream incapable of realisation, had the Company expired in 1847. The latter served as a *point d'appui* for the Associations. It placed its colonising experience and its expert staff at the disposal of its *protégés*, and lent them the funds without which they could never have embarked on their respective undertakings.²

On 18th June, 1850, Harrington wrote to Earl Grey giving reasons why the Company considered that the three years' trial had not been a fair one, and foreshadowing its imminent dissolution. It was, however, willing to continue if the Government gave it further financial assistance by guaranteeing interest at 3½ per cent. on its £268,000 capital.³ Earl Grey wisely considered that Government assistance had gone as far as possible. The Company's only alternative seemed to be the surrender of its Charters. But it took much persuasion to get the shareholders to accept this view. Nor were their motives of the noblest. They considered that Earl Grey had interpreted the agreement in a sense unfavourable to the Company, and that by holding out they would be in a stronger financial position.⁴ It was pointed out to them that they could not hope to go on colonising without funds, and that if, as seemed to be their intention, they determined to stick to their Charters, but carry out none of their duties, the Government had means at its disposal to deal with those who thus dishonourably evaded a sacred trust.

¹ *Twenty-fifth Report*.

² See below, chapter ix.

³ *P.P.* 1851, XXXV. p. 391.

⁴ *New Zealand Journal*, 13th July, 1850.

The sane and honourable view ultimately triumphed, and on 4th July, 1850, the proprietors put an end to the Company's existence as a colonising body.¹ On the same day the Company handed over its Charters.²

The rest of the story may be briefly told. By the terms of the Agreement of 1847 the Crown came into possession of the Company's entire landed property in New Zealand, computed by the latter at 1,092,000 acres,³ for which it was bound to pay them at a time not specified the sum of £268,000, bearing interest at the rate of $3\frac{1}{2}$ per cent. This sum was to form a first charge on the land revenue of New Zealand. Definite proportions of the proceeds of all transactions involving Crown lands were to be set apart for the redemption of this debt. But Earl Grey pointed out to the Company's Secretary that land sales in New Zealand would yield only a small revenue for many years to come,⁴ and suggested an arrangement by which the £268,000 debt would be commuted for £200,000, charged on the general revenue of the colony, and bearing interest, for the first seven years at 3 per cent., for the next fourteen years at 4 per cent., and thereafter at 5 per cent.⁵ The Company was willing to agree to this commutation, but arrangements had to be postponed until the consent of a third party, namely the New Zealand settlers, could be obtained. That consent was given by their first Assembly which promptly paid off the whole of the sum due to the Company by means of a loan guaranteed by the Home Government. 'At length', says the *Thirty-fifth Report* with reference to this event,

your Directors have attained the position for which they have so long and so anxiously striven, and are enabled to congratulate the shareholders on the repayment in full of the Company's entire paid-up capital of £200,000.⁶

¹ *Ibid.*

² Earl Grey to Governor Grey, 5th Aug. 1850 (Sub-enclosure 2 in Enclosure 1). *P.P.* 1851, xxxv. p. 389.

³ From this total must be subtracted the combined acreage of 'certain lands' still to be granted in compensation to 'several holders' of the Company's land orders. Harrington to Earl Grey, 10th Aug. 1850. *P.P.* 1851, xxxv. p. 427.

⁴ Hawes to Harrington, 14th March, 1851. *P.P.* 1851, xxxv. p. 486.

⁵ Hawes to Harrington, 11th June, 1851. *P.P.* 1851, xxxv. p. 495.

⁶ P. 1.

Thus were the Directors enabled to return the shareholders' capital, together with a modest dividend, and finally to wind up the affairs of the Company.

This bare narration of events has left a few important questions unanswered. The first of these is the reason for the comparative unfruitfulness of the Company's latter days. The Directors attributed it mainly to external interference. In an interesting summary of its colonising operations during the eleven years of its existence, they divided its life into three periods,

the first extending from May 1839 up to the interruption of the Company's proceedings in January 1843; the second from January 1843 to the formation of the First Party of Otago Colonists in November 1847 . . . ; and the third from November 1847 to June 1850. . . . During the first period, which may be termed that of the Company's comparative freedom, and which comprises something more than four years, the lands disposed of amounted to 244,619 acres; the ships despatched by the Company were 57, of the average burthen of 460 tons each; the passengers conveyed by those ships 8,600, or about 2,150 yearly. During the second period, or that of external interference, which extends over upwards of four years and a half, the land disposed of was no more than 6,389 acres; the Company itself chartered but one ship, of 350 tons; the whole number of passengers to whose conveyance . . . it became instrumental was but 656, or about 145 yearly. During the third period, or that of imperfectly restored activity, which comprises about two years and a half, the lands disposed of have been 19,064 acres, exclusive of sales in Canterbury and additional grants to original land purchasers; the ships chartered and despatched by the Company, 18, of the average burthen of 625 tons each; the passengers conveyed 2,424, or about 970 yearly.¹

The augmentation sounds plausible enough, and contains a measure of truth. But there are other factors which must be considered. We shall let E. G. Wakefield give his view of the case. The quotations made from his private letters in an earlier part of this chapter reveal the fact that on the Company's side he had been the prime mover in the correspondence which led up to the 1844 *Report*, in the preparation of that *Report*, and in the negotiations which followed its publication.² When Earl Grey came to the Colonial Office, Wakefield had

¹ *Twenty-seventh Report*, pp. 10-11. ² See above, pp. 188-9, 195-8.

worked hard to obtain favourable terms for the shareholders.¹ Soon afterwards he had been struck with apoplexy, and during the two years that followed, according to his own testimony, had been able to do but little for the Company. He had found himself more and more out of sympathy with the Directors, and in 1849, on the occasion of the publication of his book on the *Art of Colonization*, which contains many caustic references to Earl Grey and roundly condemns the 1847 arrangement, he had resigned his seat on the Direction.² The Directors in their reply accepting his resignation had borne ample testimony to the paramount importance of his labours :

Your retirement constitutes an important epoch in the affairs of the Company. . . . It is impossible to forget that the formation of the Company, and through its means the colonisation of New Zealand, were mainly due to your individual exertions ; nor that throughout all the difficulties with which the Company has struggled during nearly the entire period of its existence you have constantly, while your strength permitted, sustained the chief part in conducting its operations and maintaining its cause. For the sake of that cause you have freely sacrificed time and health, and have borne with unflinching courage the mortification resulting from the comparative disappointment of long-cherished hopes.³

Wakefield's view was quite definitely that it was the 1847 Arrangement which killed the Company. He elaborated this view in a letter addressed to the Honourable H. W. Petre a few months after his resignation and published in most of the New Zealand newspapers. By the Agreement of 1847, he alleged, the Company had become a mere department of the Colonial Office. The Directors found themselves muzzled, and did nothing except ' get further into debt with the Government '. As for the settlement of Otago and the projected Church of England colony, the former never had much life in it, and was, moreover, the result of a plan for which the impulse had been given long before 1846, while the formation of the Canterbury Association was in no sense the work of the Company. ' At present ', continued Wakefield, ' the Company stands between

¹ E. G. Wakefield to Hon. H. W. Petre, 17th April, 1849. *Nelson Examiner*, 29th Sept. 1849.

² Wakefield to Harrington, 29th Jan. 1849. C.O. 208/62.

³ Harrington to Wakefield, 16th Feb. 1849. C.O. 208/62.

them' (the colonists) 'and all good'. It wrongly represented the colonists as prosperous and contented, and stifled their representations on the question of self-government. Depending for their existence on loans from the Government the Directors 'have necessarily sacrificed public consideration and the colony to what they deemed the advantage of the Company as a body of shareholders'.¹ In his evidence before the Committee of the New Zealand House of Representatives on the Company's Debt, Wakefield expressed himself still more forcibly on the conduct of his former friends :

My incapacity² changed the whole character of the direction of the New Zealand Company's affairs, which then fell into the hands of a few persons in whose minds sound principles of colonisation were as nothing compared with pounds, shillings and pence. They³ and Lord Grey soon came to an understanding. He wanted to get rid of the obligation imposed upon him by his previous career as a Colonial Reformer, and an advocate of the redress by the Imperial Government of the wrongs which the Imperial Government had done to the Company. They wanted to save the shareholders, including themselves, from further calls : to raise the value of the New Zealand's Company shares in the market ; and to go on with a pottering make-believe of colonisation, with funds supplied by the Government, as a means of avoiding the disgrace which would have attended upon an avowed abandonment of all the objects for which the Company was formed. They made a bargain. The Directors sold the honour of the Company and the interests of the colonists for money, to come through a parliamentary obligation upon New Zealand to recompense the Company for its losses ; and with this purchase money Lord Grey bought exemption from the obligations of rectitude and honour.⁴

This uncompromising condemnation, which contains a small measure of truth, and a much larger measure of exaggeration,

¹ E. G. Wakefield to Hon. H. W. Petre, 17th April, 1849. *Nelson Examiner*, 29th September, 1849.

² He is referring to the apoplectic stroke which for a time greatly impaired his faculties.

³ In the Colonial Office copy of the *Notes and Proceedings* there is the following gloss, made presumably by one of the under-secretaries : 'Who are *they*? We have the draft of the arrangement in C. Buller's own writing.'

⁴ V. and P., II. of R., session ii. section 7, No. 5.

has been accepted by most writers on New Zealand as a fair statement of the case against the Company. Let us examine it for a moment : and first of all as to the impartiality of the witness. The Agreement of 1847 was between the Directors and Earl Grey ; but between Earl Grey and Wakefield, ever since the time of the foundation of South Australia, there had been open warfare. Grey was, in fact, Wakefield's *bête noire* : he hated him more than downright enemies of his system, because he had dared to apply that system piecemeal, to put asunder the things which he had joined.¹ Furthermore he had a rankling grievance against the Directors of the Company. They had been compelled to take legal proceedings against him, as one of the guarantors on behalf of the Canterbury Association, to enforce the payment of certain monies which the latter owed them. It was not true to say that the Directors found themselves muzzled by the Agreement. There was no necessity for the pugnacious letters of a former period. But the Directors never ceased urging the interests of their settlers. They begged that the Suspension Act be withdrawn as soon as possible ; and, when the full menace of Earl Grey's convict policy became manifest,² they protested in strong resolutions against the application of that policy to New Zealand³ : and their protest had the desired effect. Neither were the interests of the colony bargained away. The Agreement was not concluded until Earl Grey had taken measures to give representative institutions to New Zealand. His Constitutional Act was subsequently suspended, but only on the strong recommendation of Governor Grey, and with the all but unanimous concurrence of Parliament. To have expected, as Wakefield evidently did,

¹ See the *Art of Colonization*, letter vi. Wakefield there sets out in detail the causes of the enmity between himself and Earl Grey.

² The Colonial Office had decided ' to carry out a plan for the dispersion of convicts over other colonies than those which have been heretofore used as penitentiaries '. *Twenty-fifth Report*, p. 6. The immediate reason was the large increase of convicts as a result of the Irish famine. In 1849 transportation to New South Wales, which had been discontinued since 1840, was resumed, and a number of convicts were sent ' secretly and unexpectedly ' to the Cape Colony. For Earl Grey's views on the whole subject see his book on *The Colonial Policy of Lord John Russell's Administration*, vol. 2, letter viii.

³ *Twenty-fifth Report*, pp. v-xi.

that the Imperial Treasury would shoulder the £268,000 which was due to the Company on account of its lands, was preposterous. It had already footed a bill for damages to the extent of £236,000; and it was but fair that the colonists should, through their Assembly, pay at least a portion of the expenditure incurred in the colonisation of their country.

The measure of truth in Wakefield's strictures lies in the fact of a gradual change of spirit in the Directors' dealings. All the dash and daring of their earlier proceedings had disappeared by 1847, and the old energy was gone. Nor was there much left of the generous magnanimity which was interested less in dividends than in the accomplishment of a high task; which could reply to Mr. Rennie and the other projectors of the Otago settlement, who had apologised for the financial unattractiveness of their scheme, that 'the absence from the plan of any pecuniary gain for the proprietors in this Company would not weigh with the Directors against their desire to serve you and your associates'. Instead there was now a spirit of great caution. The Directors had become very solicitous for the interests of their shareholders. The only use it occurred to them to make of the Government loan of £236,000 was to pay their shareholders' dividends and salaries to themselves, to keep up their establishments at home and in the colony, and to make small advances to the Otago and Canterbury Associations.¹ Their chief object seems to have been to husband their resources.

But the fundamental reasons for the Company's decline have

¹ An examination of the Company's accounts after 1847 yields illuminating results. Whilst for the year ended 5th April, 1846, its receipts had totalled £63,285 and its expenditure £37,028, the figures for the year ended 5th April, 1849, were £114,332 and £72,473 respectively. But the receipts were derived from the following sources: £20,705 was the balance in hand on 5th April, 1848; £72,000 came from the Government; £15,000 represented a loan from the Company's bankers; while only £6,266 was derived from land sales. On the debit side, 'colonial expenses' came to £59,340 and 'home expenses', including the salary of the Government Commissioner and Directors' attendance fees, to £13,133. It is evident that such a balance sheet spelt ruin. Appendix, *Twenty-fifth Report*. The Company's accounts were always rather confusing. In 1852 the Canterbury Association complained that they had been so kept as to make it impossible to distinguish between the money spent on public and private account. Alston to the Earl of Desart, 2nd April, 1852. *P.P.* 1852-3, lxxv. p. 412.

to do with none of these things. We pointed out, when dealing with the preparations for founding the Nelson settlement, that as early as 1841 the Company was experiencing difficulties in disposing of its land orders.¹ Those difficulties became greater every year. In 1842 and 1843 the Directors tried to reassure the Shareholders by pointing to the tightness of money both in England and the Australian colonies and the consequent difficulty of procuring investments in novel enterprises.² Later, after 1847, when trade was booming and money was to be had on easy terms, they changed their ground and reported that so many attractive investments were now being forced on the attention of the public that New Zealand remained entirely forgotten. Here we have an important clue. To purchase landed property in New Zealand never looked like a profitable form of investment. When to the natural unattractiveness of the remote islands at the Antipodes there were added artificial obstacles in the form of governmental opposition, public confidence in the New Zealand enterprise sustained a shock from which it never recovered,³ and the Company's prospects of success, always dubious, disappeared entirely.

After 1841 the Company was continually in want of funds.⁴ A special Committee, which reported in 1843, attributed its financial difficulties to the fact that with a paid-up capital of £200,000 it was attempting to carry out a programme drawn up when a capital of twice that amount was contemplated.⁵ But the real trouble lay deeper. The Directors had only one means of meeting their expenditure and paying dividends, and that was by selling sufficient land. It was of little avail to insist that in years to come their landed property was sure to bring them in large profits. An immediate return was needed to meet current expenditure, and that was not forthcoming. As early as 1842 the Directors were compelled to raid the special funds of the Nelson settlement in order to save the Company from insolvency.⁶ That settlement, however, had

¹ See above, p. 57.

² *Fifth Report*, p. 27.

³ *New Zealand Gazette*, 15th June, 1850.

⁴ See above, p. 77.

⁵ The report is dated 22nd May, 1843. C.O. 208/186.

⁶ 'The Nelson settlement has been practically very serviceable in supplying the Company with funds, which otherwise must have been borrowed or raised by premature sale' (of lands). *Ibid.*

its revenge by making an important contribution to the Company's downfall: for the latter had to undertake costly public works at Nelson to provide employment for the excess of labourers it had sent there. The Government agreed to compensate it for this expenditure—in land.¹ In 1844, as we have seen, the Company stopped payment,² and would have been dissolved had it not been aided by the Government loans of 1845 and 1846.

But these loans served merely to stave off the evil day. They were just sufficient to enable the Company to meet current expenditure, but inadequate for the resumption of colonising operations on any important scale.³ For this purpose a land fund was needed; but by glutting their market in New Zealand the Directors themselves rendered that condition impossible of fulfilment.⁴ They suggested in 1850 that their failure was due to the large sums they spent in extinguishing the native title, and to the tardy issue of Crown titles by the Local Government.⁵ Earl Grey easily exposed the fallacies involved in this reasoning, and asserted, with complete justice, that

the stoppage of sales arose, not from the absence of Crown grants, but from a cessation of the demand in this country for land in those settlements⁶;

in proof of which he pointed out that the Company's land sales since 1847 were almost wholly confined to the settlement of

¹ In 1849 the Company's Nelson account stood as follows:

Total proceeds of land sales	-	-	-	£163,187	0	0
Portion of proceeds applicable to special funds	-	-	-	136,514	3	4
Sums expended on Nelson by the Company up to 31st March, 1848	-	-	-	201,689	12	0

Harrington to Earl Grey, 7th July, 1849. *P.P.* 1852, xxxv. 570, p. 395.

² See above, p. 184, n. 4.

³ The loans were spent in the way described on p. 212, n. 1.

⁴ See above, pp. 146-7.

⁵ Harrington to Earl Grey, 18th June, 1850. *P.P.* 1851, xxxv. p. 391.

⁶ Hawes to Harrington, 1st April, 1851. *P.P.* 1851, xxxv. p. 490. 'Those settlements' refer to the three older settlements of Wellington, New Plymouth and Nelson.

Otago.¹ Its principal agent in New Zealand expressed the same opinion. When he heard of the Company's surrender of its Charters he applauded the step as a wise one, and continued as follows :

Circumstances over which the Company had little control . . . have resulted in the distribution of not much less than 400,000 acres among its purchasers on which there is at present located a population of not more than from 12,000 to 15,000 souls. To attempt to effect any extensive land sales in a market already so glutted could scarcely have ended in anything else than disappointment and ruin.²

The Company might have continued had there been sufficient strength left in it to found a number of new settlements. Its early successes, such as they were, had been built upon speculation in town values. But after the selection of the sites for the Otago and Canterbury settlements the most attractive spots in New Zealand had been occupied. Moreover, the very fact that the Company had been forced to entrust its work to Associations proved that the public had lost all confidence in it as an effective instrument of colonisation.

It was a good thing for all concerned that the Company was compelled to surrender its Charters in 1850. Had it continued after that date it would certainly, in Wakefield's phrase, have stood between the New Zealand colonists and all good. One does not like to picture the relations between a colonising body located in England and controlling the whole of the lands of the southern district of the colony, and the newly-created legislatures of New Zealand and its provinces, jealous of their rights and powers, and disposed to look with no friendly eye on the erstwhile foster-mother of their constituents.

The latter years of the Company, whether we take our stand in New Zealand or in England, were a prolonged anti-climax. As early as 1844 the colonists were beginning to turn against it, and clamoured for compensation on the ground that it had not fulfilled its obligations. The Nelson settlers had the additional grievance that the Company refused or was unable to

¹ Of the 19,064 acres sold by the Company since 1847, 13,080 acres were purchased by the settlers of the Otago Association. McGlashan to Earl Grey, 8th July, 1851. *P.P.* 1851, xxxv. p. 562.

² W. Fox to Secretary of N.Z. Company, 20th Nov. 1850. *P.P.* 1851, xxxv.

surrender to the settlers' Committee appointed to administer them certain funds which it held in trust and which were to be devoted to rendering the settlement 'commodious and attractive'.¹ By 1850, however, most of these grievances had been adjusted. But cordial relations were never re-established. Minor irritants continued cropping up. In particular the settlers could not understand why the Company remained almost as inactive after 1847 as it had been during the four years preceding that date.² In all the settlements there was a demand for labouring immigrants. The Company did little to satisfy that demand, while the few emigrants who were sent as often as not proved unsuitable.³ The *New Zealand Spectator* went so far as to say that the Company was proving a drag on the prosperity of its settlements.⁴ After its demise feeling in New Zealand became even more bitter against the Company. Everything it had done for the colony was forgotten when the colonists found that it would cost them £200,000 to pay off its shareholders. It is safe to say that the Company had not a single friend in the first Assembly of New Zealand.

In England the Company's last years were embittered by a painful financial wrangle with the Canterbury Association. The Association refused to repay the sum of £25,000 which it had borrowed from the Company, on the ground of a misappropriation by the latter of Government loans. The Directors,

¹ The Directors had used those Trust Funds to defray certain deficits arising in the course of their general colonising operations. (See above, p. 213.) At the time of the 1847 agreement it was calculated by the Company that it owed the Nelson colonists £25,000 on that account. The latter, however, refused to endorse that calculation, maintaining that, with interest, it owed them £60,000. Cowell to Earl Grey, 27th June, 1848. *P.P.* 1852, xxxv. 570, p. 160. The question was not finally settled until 1852.

² *New Zealand Spectator* (Wellington), 1st April, 1848.

³ On 24th Feb. 1849 the *Nelson Examiner* admitted that the Company had been sending out some labourers of late, but it thought them poor specimens. 'The Company send us London tailors and shoemakers, calico printers, ribbon and stocking weavers, and a nondescript class, who pass muster under the name of gardeners, but whose knowledge of horticulture we imagine to have been confined to the management of a few geranium pots or a box of mignonette.'

⁴ 27th Oct. 1849.

wrote Mr. Alston, the Secretary of the Association, applied no less than £36,635 of those sums to such private purposes as the payment of arrears in their attendance fees and loans on promissory notes to certain of the shareholders.¹ The Association was very influential in the country, much more so at this period than the Company, and by means of these accusations greatly damaged the latter's reputation. The newspapers too had once more turned against it. In a characteristically irresponsible manner they treated their perfervid admiration of the Company during the years 1844 and 1845 as if it had never been. In an obituary notice of the Company *The Times* spoke of its action as prompted by a 'curious medley of cupidity and vain philosophy'.² Even its own newspaper, the *New Zealand Journal*, turned against its Directors. It thought, indeed, that there was still much work for a reorganised New Zealand Company: but the existing management was utterly incompetent and should go.³ In Parliament, during the debates on the New Zealand Constitutional Bill, two years after the Company had surrendered its Charters, its spokesman had to encounter a number of very serious charges against the Directors. The occasion was furnished by the section of the Bill dealing with the Company's debt, for the service of which it was provided that the New Zealand Assembly should annually set apart one-fourth of the total proceeds derived from its dealings in Crown lands. Molesworth, himself an erstwhile Director, considered that this section dealt more liberally with the Company than it was entitled to expect under the terms of the Agreement of 1847. But, he continued, the Directors cannot with propriety urge any moral claim to receive more than the strict legal minimum, and

for two reasons: first, because they obtained the Act of 1847 by concealing the truth from the Colonial Office, the Treasury and Parliament; secondly, because simultaneously they induced their settlers at Nelson to agree to arrangements beneficial to the Company by concealing the truth and insinuating what was incorrect.⁴

¹ Alston to the Earl of Desart, 2nd April, 1852. *P.P.* 1852-3, lxxv. p. 412.

² 10th July, 1850.

³ 15th June, 1850.

⁴ *Hansard*, 3rd series, vol. cxxii. p. 435.

Gladstone spoke in the same strain,¹ and the general sense of the House of Commons showed itself extremely hostile to the Company. The Commons would probably have removed from the Bill the section dealing with the Company's debt had not Sir John Pakington, the Colonial Secretary, insisted on its being an integral portion of his measure.

Though Molesworth had some grounds for his charges,² the sweeping imputations he cast on the Directors' honour were unjust. The latter forthwith demanded that all the correspondence having reference to the conduct of their affairs since 1847 should be printed for Parliament and presented to both Houses. The result was a volume of about 800 pages, and once more, as in 1844, the Company vindicated its position, though this time there was no such *éclat* about its victory. It transpired that Mr. Cowell, who was the first Commissioner appointed by Earl Grey to superintend the Company's affairs, and was dis-

¹ See especially his speech on the Third Reading of the Bill. *Ibid.* pp. 889-892.

In his speech on the Second Reading he had said that he looked upon all companies formed for colonising purposes with ineradicable jealousy. As early as Adam Smith's time 'they had acquired the ill-repute of being the greatest obstacle to the well-being of colonies'. He admitted, however, that the New Zealand Company might possibly have been an exception to the ordinary rule. *Hansard*, 3rd series, vol. cxxi. pp. 971-2.

² Molesworth based his charges on the following facts: During the negotiations leading up to the 1847 Agreement Earl Grey asked the Company for an estimate of its liabilities under various heads. Though the Directors had then in their possession a recent opinion of their Counsel according to which they might be liable to their Nelson settlers for a large indemnity on account of breach of contract, they did not divulge that opinion, and left Earl Grey under the impression that such liabilities were negligible. They then proceeded to obtain an opinion from another Counsel, who considered that the Company was under no liability. The Directors sent out to New Zealand only this second opinion, and Col. Wakefield, arming himself therewith, managed to persuade the Nelson colonists to agree to an arrangement advantageous to the Company. Cowell to Earl Grey, 13th July, 1848. *P.P.* 1852, xxxv. 570, p. 188. In extenuation of these rather questionable proceedings it may be mentioned, firstly, that Earl Grey entirely exonerated the Directors from the charge of wilful misrepresentation, and secondly, that the Government, when it took over the Company's affairs, was not, in fact, involved in large liabilities on account of its alleged breach of contract, only one colonist thinking it worth his while to try the issue in a Court of Law. Hawes to Harrington, 2nd Nov. 1848. *P.P.* 1852, xxxv. 570, p. 549.

missed because he found himself unable to work with the Directors, was yet satisfied that their motives were noble throughout, and that 'they have been rarely surpassed in singleness of purpose, in patriotic and ennobling aims'; while Mr. Cox, who succeeded him, and Sir J. G. S. Lefevre, who in November 1850 sent in a full report on all the transactions of the Company, and from whom no document was hidden, were both of them satisfied that the Directors performed their functions honourably.

Our last witness will be Earl Grey himself. In a long and able speech delivered during the Second Reading of the New Zealand Constitutional Bill he passed judgment on the motives and activities of the Company's Directors. Coming as it did from one who had an intimate knowledge of the Company's affairs, and delivered in an impartial spirit, it deserves to be recorded in full.

It was right that Parliament should do justice to the parties by whose exertions and personal sacrifices the colony had been created—without whom, in fact, there would have been no colony of New Zealand at all. Persons now found great fault with the New Zealand Company, and though he had never been a great admirer of that body, he must say that he thought the run now made against the Company was not less unjust and unmerited than the exaggerated credit which had been given them in the first instance. He had no doubt that the Company had been actuated throughout by the best motives; and, as evidence of their good intentions, he would remind their Lordships that the Directors had sacrificed large sums of their own money in the establishment of the colony, for the repayment of which they had only the remote and distant prospect that was afforded by the arrangement proposed by this Bill.¹ The fault to be found with the New Zealand Company was not that they had committed any of the offences which the noble Duke [the Duke of Newcastle] imputed to them. . . . Their real fault was that they had shown themselves deficient in worldly wisdom and prudence in too readily adopting for their guide a very clever projector, whose talents could not be denied, but whose cleverness was not accompanied by other qualities quite as necessary to make him a safe and

¹ Cf. Gladstone's admission: 'I am afraid, too, that the course of its affairs has proved most unprofitable to the proprietors and directors, as well as most costly to the Treasury of this country.' *Hansard*, 3rd series, vol. cxxi. p. 972.

trustworthy guide.¹ They did not display that judgment that might have been expected from them in conducting the great enterprise into which they had somewhat rashly entered.² Perhaps that was the necessary consequence of the constitution of such a body.³ . . . That the New Zealand Company had not succeeded was not very much to be wondered at, because the necessary expenses of founding new colonies in distant parts of the world were so great that measures of this kind would never answer as a pecuniary speculation. Schemes of this kind had always been exceedingly attractive ; but from the enterprises of the earlier adventurers who founded some of the present United States, down to the present time, the result had invariably been the same, and however successful some of their attempts had been in creating flourishing colonies, they had uniformly proved ruinous as pecuniary speculations to the projectors.'⁴

In the year 1858, when the Company was finally dissolved, it was abundantly evident that in spite of many initial blunders New Zealand was well on its way towards becoming a flourishing colony. It is unnecessary here to give a recapitulation of the work the Company did in New Zealand.⁵ But a few final words on its work in England may not be out of place. Its Directors brought the grievances of a weak and distant community prominently before Parliament and the country, and thus rescued it from the neglect and even ruin which might otherwise have been its fate. No colony assuredly ever had more efficient spokesmen. But their influence did not end here. By advocating the cause of New Zealand they championed the cause of all the colonies. The effect of the Report of the 1844 Committee on the liberalisation of colonial constitutions has not been sufficiently recognised. For some years

¹ He is referring, of course, to E. G. Wakefield.

² This is all Earl Grey was prepared to concede to Molesworth's biased view that 'the pecuniary speculations' [of the Company] 'utterly failed, partly in consequence of obstacles thrown in its way by the Colonial Office, . . . but it had chiefly failed in consequence of great mismanagement'. *Hansard*, 3rd series, vol. cxxi. p. 929.

³ A single manager, he went on to explain, would have been better than a Board of Directors.

⁴ *Hansard*, 3rd series, vol. cxxxii. pp. 1155-6.

⁵ One item which has not been stressed, and which was particularly prominent during the years 1847-1850, was the extinction of the native title to large tracts of country. Ilawes to Harrington, 10th Nov. 1850 (Encl.). *P.P.* 1851, xxxv. p. 461.

before 1844 the movement in this direction had been gathering momentum. But it had hardly influenced the ordinary, silent member of Parliament, still less public opinion as expressed in the popular press. The Report and the Parliamentary debates on New Zealand of 1845 brought to wide circles a realisation of the fact of colonial misgovernment. The newspapers took up the cry, and popularised the conviction of the Colonial Reformers that the only remedy lay in the grant of self government to the colonies. When Earl Grey came to the Colonial Office in 1846 he found that the matter would brook no further delay. The result was the Australian and New Zealand Constitutional Acts, and that of the Cape which followed in their wake. And so it may be said that the Directors' labours in the cause of colonial self-government in some degree made up for their lethargic colonisation in the years following 1842.

Before taking leave of the Company we cannot do better than quote from the Report containing its own leave-taking of New Zealand, those passages which express its hopes for the future of the colony and its opinion of its own achievements. Having set down some statistics to prove the present prosperity of the country, the Directors point with pardonable pride to the high character of its several communities :

The inhabitants give large and unmistakeable evidence of their being genuine members of the energetic Anglo-Saxon family. Your blood is in their veins, and your spirit burns within them. It is assuredly no idle or enthusiastic anticipation, to look forward to the time when, in the abundance of her products, and the extent of her commerce—her ships conspicuous in all waters, and her own spacious harbours the resort of every flag—in the freedom of her institutions, and not least in the hardihood and enterprise of her sons . . . New Zealand shall take her place as the offspring and counterpart of her Parent-Isle, as the Insular Mistress of the Pacific, the Britain of the Southern Hemisphere.¹

On their own achievements they are modest. Time has softened the old resentments, and the sentences in which they review the past recall many a passage from the Classics in their mellowness and calm. It was becoming that a memorable achievement should be thus commemorated. The actual words will form a fitting conclusion to this chapter :

¹ *Thirty-fifth Report* (dated 27th May, 1858), p. 24.

Towards the colony and its inhabitants as the moment approaches when the tie that has hitherto bound them and the Company together is to be severed for ever, the sensations we experience are of a mingled character. Looking back to the commencement of the union, and to all that has since occurred, placing our actions side by side with the motives which have prompted them, and thus re-examining what we have done or endeavoured to do, we are free to acknowledge we see some measures which may have been erroneous. But the same scrutiny likewise assures us, both that, if we have erred, our errors have not been the consequence of wilful negligence, and that, even in acts supposed to be least commendable, we have sought with faithfulness the advantage of the very persons whose censure we have felt to be most painful. Upon the consciousness thus confirmed we are prepared to repose tranquilly, content to await in patience the time when justice shall be rendered (as rendered we are sure it yet will be) to the rectitude of our intentions and the integrity of our conduct. We cannot repress an honest exultation in what we believe we may fairly regard as our own handiwork. We regret deeply if by an act or omission of ours, the completeness of that work has been retarded or impaired. Especially we regret that, from any cause or under any circumstances whatever, there should have arisen an interruption of the harmony which subsisted between the Company and the communities it was instrumental in planting. It is a matter of sincerest thankfulness that, all errors and all shortcomings notwithstanding, the prosperity of these communities has, by their own exertions and the good favour of Providence, already attained to its present gratifying proportions. Equally sincere are our hope and prayer that, under the same favour, the full stream of that prosperity may through all time continue to flow on increasing ever in copiousness and in strength. Our latest and most predominant feelings are cordial goodwill to every individual colonist whose course we may have smoothed to the country of his adoption and unaffected interest in his enjoyment of that which, we trust, has proved itself the fortunate choice of a thriving and a happy home.¹

¹ *Ibid.* pp. 27-8.

VIII

GOVERNMENTS, POLICIES AND CONSTITUTIONS

§ I. *The Acts of the Governors*

THE foundation of a colony is a difficult and delicate task, to be entrusted only to the most skilful hands ; and those who presided over the foundation of the colony of New Zealand had need of a double share of wisdom. For a century before 1830 Britain had founded no free colonies. The foundation of the convict colonies of New South Wales and Van Diemen's Land, though it emphasised the difficulty of creating institutions suitable to a new colony, could hardly serve as a precedent for the free colony of New Zealand. The former could be made more or less to 'drill like a battalion', and, if a Governor's schemes, whether political or economic, brought misery and starvation on the colonists, their depleted ranks could always be filled by means of fresh drafts from home. Such experimentation was impossible in New Zealand. Initial blunders would be sure to have the most disastrous results. But the Colonial Office was, unfortunately, a novice¹ at the work of free colonisation, and even a simple experiment in that direction would have been a considerable tax on its skill and foresight. But the problems raised by New Zealand were not simple. To mention only two of them—there were its scattered settlements, making government, especially government from one centre, difficult and expensive ; and there were the Maori tribes that inhabited its North Island, confronting the authorities with a native problem that clamoured for immediate solution.

¹ That is, practically a novice. South Australia, a free colony, was colonised during the thirties, and the Colonial Office had taken a minor share in its settlement.

Under such circumstances the Colonial Office surely considered the whole matter very carefully ; selected as governor a man of talent and experience ; furnished him with a competent staff and a force sufficiently strong to enforce respect for the dictates of the infant government ?

Unfortunately the Office did none of these things. It had never been the least interested in New Zealand, had, in fact, undertaken the administration of the colony most reluctantly, and now seemed determined to acquit itself of its charge in as niggardly a spirit as possible. Stephen, who at this time managed the whole New Zealand business, had no faith in the future of the colony.¹ Even had he wished the colony well, his relations with the Treasury were such that a worthy establishment for New Zealand was hardly to be thought of.²

The first two Governors sent to New Zealand by the Colonial Office were both captains in the Royal Navy. This was according to precedent ; not until the year 1840 did the practice of sending military or naval men as Governors even to the most important colonies begin to be discarded.³ But the quarter-deck, as Buller said in the House of Commons, was hardly the

¹ Stephen was never a believer in the Wakefield system. He could not understand how anyone could be so foolish as to give twenty shillings for an acre of land in a ' barren country '. On 13th March, 1843, he wrote : ' The view I take of the prospects of this colony points to practical consequences which I presume the Government are not disposed, and, perhaps, are not at liberty to adopt.' C.O. 200 15.

² Stephen sometimes got rather impatient with the domineering ways of my Lords of the Treasury and their pettifogging inquisitions into the expenditure of his department. But apart from this, the colonies were not a department for which at this time Parliament was willing to vote much money.

³ On 16th Dec. 1840 *The Times* commented on the important position Colonial Governors held in their territories, and regretted that in general they did not possess the requisite ability for the due performance of their arduous duties. ' A glance at the list will show ', it continued, ' that these responsible situations have been held so systematically by old military officers as almost to imply a monopoly in the hands of the Horse Guards. . . . Such men are generally advanced in years, whereas the energy of middle age is peculiarly required for their office. They are almost unavoidably of confined and unenlightened views on subjects foreign to their own profession. Their ideas are those of the camp, not of the cabinet. . . . The colonists pay, from their own resources, noble salaries to their governors, and it is but honourable and equitable that they should be served in proportion to their assessment.'

best training ground for the government of a colony.¹ This was especially true for New Zealand, where originality and adaptability to new circumstances, besides resoluteness and a high sense of duty, would be the qualities chiefly required in a Governor.

Before Captain Hobson left to take up his duties in New Zealand he asked the Colonial Office that he might be allowed to recruit a few members of his administrative staff in England. Stephen refused this request on the ground of expense, and told Hobson to get the officials he wanted in New South Wales, of which colony New Zealand was to be a dependency.² Arrived at Sydney, the Lieutenant-Governor had to be satisfied with the appointments made by Governor Gipps. The latter allowed Hobson five officials: a Collector of Customs and Treasurer, a Surveyor-General, a Police Magistrate, one second and one third-class clerk.³ The Police Magistrate (Lieut. Shortland) subsequently became Colonial Secretary, and the Colonial Office sent an Attorney-General (Swainson), and a Chief Justice (Martin) to Hobson's aid.⁴ For the rest he had to be content with such men as he could find at the Antipodes. In May 1841 Hobson notified Lord John Russell that he had made eleven appointments. In addition to those already mentioned there were now a Clerk of Councils, a Colonial Surgeon, a Harbour Master, a Chief Protector of Aborigines, a Storekeeper and two Land Commissioners.⁵ The officials recruited in New South Wales or New Zealand were not noteworthy either for their honesty or ability. Lieutenant Shortland might have been a good naval officer, but as a Colonial Secretary he was not a conspicuous success. He had an absurd sense of his own dignity, assuming a pomposity which, however necessary in the convict colony of New South Wales, merely irritated the colonists of New Zealand.⁶ The style of his proclamations and other com-

¹ 'He very much doubted whether the quarter-deck was the best possible school of diplomacy.' 11th March, 1815. *Hansard*, 3rd series, vol. lxxviii.

² Undated Memorandum in C.O. 209/4.

³ Gipps to Russell, 9th Feb. 1840. *P.P.* 1840, xxxiii. p. 578.

⁴ Rough copy of appointments. C.O. 209/9.

⁵ Hobson to Russell, 26th May, 1841. *P.P.* 1842, xxviii. p. 404.

⁶ E. J. Wakefield gives an amusing description of the arrival at Wellington of the 'Royalist forces', consisting of 30 'mounted police' (without their horses) under the command of Shortland, to assert the

positions sometimes caused great amusement at Auckland.¹ When Governor FitzRoy arrived in New Zealand in 1844 one of his first actions was to compel Shortland to resign his office.² Another 'Botany Bay' official, G. Cooper, who became Hobson's Treasurer and Collector of Customs, was convicted of malversation of customs' monies.³ George Clarke, the Chief Protector of Aborigines, was ignominiously dismissed by Governor Grey.⁴ Shortland, Cooper, Clarke and Felton Matthew, the Surveyor-General, were all censured by the Secretary of State for irregular dealings in land and compelled to disgorge their acquisitions.⁵

Such were some of the officials on whom the Governor had to rely for help and advice. But if the Government was thus weak within itself, the force by which it was buttressed was weaker still. When Hobson set sail for New Zealand the Colonial Office refused to apply for a single soldier to accompany him. Governor Gipps of New South Wales, however, took pity on his unprotected state and magnanimously placed under his command a sergeant and four troopers of the mounted police of his colony.⁶ The reasons given by the Colonial Office for its gross negligence are worthy of attention, since they

Queen's sovereignty over its 'republican' inhabitants, and of the pulling down of the New Zealand flag on the early morning of 2nd June, 1840, while the latter were sound asleep. The Wellingtonians treated the whole affair as a joke. *Adventure in New Zealand*, p. 216.

¹ 'We would suggest to his Excellency', wrote the *New Zealand Herald* on 16th Feb. 1842, 'the propriety of supplying the Colonial Secretary . . . with a copy of some English Grammar, and a pocket edition of Johnson's Dictionary.'

² Shortland to Stanley, 12th Jan. 1844. C.O. 209/27. Stanley retained 'undiminished confidence' in Shortland's 'character and ability', in proof of which he sent him as Governor to Nevis, one of the Leewards, an islet with an area of 50 square miles. Stanley to Governor Grey, 4th July, 1845. *P.P.* 1846, xxx. p. 232.

³ Shortland to H.M. Secretary of State for the Colonies, 2nd Oct. 1843. C.O. 209/23.

⁴ Governor Grey to Stanley, 10th May, 1846. C.O. 209/43.

⁵ Stanley to FitzRoy, 27th June, 1843. *P.P.* 1844, xiii. p. 739.

⁶ Gipps to Russell, 9th Feb. 1840. *P.P.* 1840, xxxiii. p. 578. A mounted police, as a settler pointed out in 1842, was perfectly useless in New Zealand, where there was scarcely room for the men to exercise their horses. See Dr. Martin's pamphlet enclosed in 'Shortland to

help to explain the opposition with which throughout the greater part of the nineteenth century it greeted all proposals to extend the Empire. When Lord John Russell came to the Colonial Office he was surprised at the inadequate provision made for the contingency of resistance to Hobson's authority. Stephen wrote, in reply, to Vernon Smith ¹:

You will see that Captain Hobson was fully alive to the danger which Lord John Russell has pointed out, and was told that there were no troops to spare for his protection, but that he must endeavour to organise a militia, or a police, or some local force. If it should be thought that this was not a very satisfactory solution of the difficulty, the only answer I can supply is, that it was adopted at a moment when the most pressing demand for troops existed in every part of this country, as well as in India and North America. There is not a spare regiment anywhere—not even in New South Wales and Van Diemen's Land, where the Governors were complaining of insufficient forces. There were further difficulties in the expense of conveyance and the inconvenience of breaking up a regiment into fragments. A ship of war did, indeed, accompany Hobson, but she was to go on to China. Still, added Stephen by way of consolation, the ships occasionally touching at New Zealand might afford assistance in case of necessity.

In this, as in a multitude of other cases, the Government have been compelled to choose between a considerable increase of the Army or Navy, and a very defective protection of the vast transmarine Empire, which we possess, and are extending to every quarter of the globe. The latter course has been preferred.

The wisdom of this choice is open to question, on the time-honoured plea that prevention is better than cure. It involved disastrous consequences, especially in territories where white settlers lived surrounded by a large native population, since it generally meant a policy of drift, until the inevitable rising took place. Then troops would be rushed from many parts of the Empire to the threatened point and the rebellion crushed at great expense of blood and treasure. A strong Governor

H.M. Principal Secretary of State for the Colonies', 6th Oct. 1842. C.O. 209/16. Later on this 'force' was supplemented by a detachment of 100 soldiers from New South Wales. Russell to Gipps, 4th Dec. 1839. *P.P.* 1840, xxxiii. p. 635.

¹ 21st Sept. 1839. C.O. 209/4.

supported by an adequate force might have rendered the very thought of a rising impossible, and thus once again the more expensive policy would have proved, in the end, the cheaper.

The Colonial Office was incessantly besought by Hobson to increase the force at his disposal, but it turned a deaf ear to all his appeals. Stanley persistently refused to have a ship of war stationed at New Zealand, on the ground that none was available.¹ In 1842 even the mounted police were recalled to New South Wales, and, when Hobson modestly asked that they should be replaced by an unmounted force consisting of a subaltern, a sergeant, a corporal and ten men,² he was told that the means of the colony were too slender to afford such a luxury.³

And so the colony of New Zealand was started on its career with an inexperienced Governor, with incompetent officials, and without provision for its defence.

And yet New Zealand stood in particular need of a strong and self-reliant government, since it was 12,000 miles distant from the centre of the Empire. An answer to a despatch could not be expected within a year, and sometimes took much longer. Under such circumstances it was futile to burden a Governor with precise instructions: the Colonial Office had to rely on his judgment and discretion. Although the Secretary of State would, on important occasions, write long despatches, he did so chiefly with a view to keeping up appearances, taking care to make his instructions so general that they might safely be disregarded⁴—as, indeed, in New Zealand they often were.

¹ Stanley to Hobson, 1st Sept. 1842. C.O. 209/14.

² Hobson to Stanley, 24th March, 1842. C.O. 209/14.

³ Stanley to Hobson, 10th Sept. 1842. C.O. 209/14.

⁴ The instructions transmitted to Hobson on the occasion of the separation of New Zealand from New South Wales may serve as a case in point. 'On the whole', wrote Lord John Russell concerning them, 'I fear the Governor will think the instructions so general that he may safely neglect them.' They were prepared by Stephen and revised in parts by Lord John Russell. 'I forward this draft with much mis-giving . . .' wrote Stephen. 'I am very conscious that I am in danger of a diffuseness which does not quite comport with the usual reserve and measured tone of official writing.' Lord John Russell possibly agreed, for he cut out the following resonant passage (Stephen is trying to tell the Governor to be frugal): 'The homage which, in the great States of Europe, waits on the visible pomp and splendour of Royalty,

On 10th May, 1842, a Colonial Office clerk ¹ noted that Hobson had, contrary to his instructions, created additional offices without authority from home, but at the same time remarked that New Zealand being a new colony and far removed from headquarters, the Governor was justified in acting on his own responsibility, especially as his instructions could not foresee emergencies. On 2nd July Stephen wrote, *à propos* of a complaint on the score of Hobson's extravagance, that the Colonial Office was too far from the scene of action to object to the Governor's estimates: the only result would be that after fifteen months an elaborate defence would be received.² The Colonial Office showed in the case of Governor Grey that it was willing to sanction a very wide deviation from its instructions, and on occasion their total disregard, provided the Governor could show good reason for his disobedience, and that his policy met with success. If, on the other hand, he failed, the Office exercised the only effective control it possessed by recalling him.

Captain Hobson arrived in New Zealand in February 1840 with two commissions in his pocket, one from the Foreign Office creating him Her Majesty's Consul, the other from the Colonial Office naming him Lieutenant-Governor, when he should have proclaimed Her Majesty's sovereignty over the islands. For the moment he was to acknowledge the Governor of New South Wales as his official superior, which meant that he had to refer all important matters, especially those involving the expenditure of public money, to that colony for approval.³ This arrangement did not last very long, for by an instrument which was enclosed in a despatch from Lord John Russell dated 9th December, 1840, New Zealand was separated from New South Wales and Hobson gazetted Governor of the new colony. According to the same instrument the form of his government was to be that of an ordinary Crown Colony, in which the Governor is provided with a Legislative Council consisting of both official and unofficial members, all of whom were liable to will be yielded (so far as it is appropriate or useful) to the Governor of a colony, especially of an infant colony, who aims at nothing beyond the decencies of a private and moderate establishment.' C.O. 209/8.

¹ G. Gairdner. See C.O. 209/10.

² C.O. 209/19.

³ Gipps to Russell, 9th Feb. 1840 (Encl.). P.P. 1840, xxxiii. p. 578.

suspension by the Governor, and, on the concurrence of the Secretary of State, to dismissal.¹ In the case of New Zealand the official members were to be the Colonial Secretary, the Attorney-General and the Treasurer, who, with the Governor, were also to form the Executive Council; the unofficial members were to be the three senior Justices of the Peace.² Since the official members were obliged to vote with the Governor on any question he deemed important, he was always in a position to make his will prevail.

During the reign of the first two Governors there was but little government in the out-settlements, its machinery being largely concentrated at the capital. The only representatives of the Central Government at Wellington, Nelson and New Plymouth were the Police Magistrate and the Sub-Collector of Customs. The few constables vouchsafed to the former were totally insufficient to support his authority, while the latter's accounts were always in confusion.³ For some time Auckland was the only port possessing a harbour-master, and the Southern District did not have its own judge until the year 1844. There were many complaints from the Company's settlements that the lion's share of the proceeds of the duties levied in Cook's Strait went to Auckland to pay the Government's officials.⁴ Moreover, said the Company's settlers, they were not even represented in the Governor's Council at Auckland: for they did not regard Mr. Earp, a Wellington merchant, whom Hobson had asked to join the Council, as one of themselves. Far better have left them with their 'Association of Order,' which was serving its purpose well when Shortland

¹ There are, of course, many forms of Crown Colony government, but this, the second lowest grade, is the most general.

² This latter provision was peculiar to New Zealand. Russell to Hobson, 9th Dec. 1840. *P.P.* 1841, xvii. p. 520.

³ This was true not only of the Customs accounts, but of the other accounts also. As late as 1846 Governor Grey complained that the colony's accounts took years to make up, on account of the necessity for continual references to the out districts. Grey to Gladstone, 25th June, 1846.

⁴ As late as 1851 J. R. Godley, a remarkably fair-minded critic, could still speak of the Provincial Government of New Munster as an 'expensive nonentity'. J. E. Fitzgerald, *Writings and Speeches of J. R. Godley* (Christchurch, N.Z., 1863), p. 80.

came down from Auckland to suppress it and enthroned disorder in its place. Municipalities with large powers in local matters, including the power of running their own militias, might have answered the purposes of government in the out-settlements. Hobson's Council did actually pass a Municipal Corporations Ordinance in the year 1842, and the inhabitants of Wellington showed how much they valued its provisions by at once proceeding to elect a Municipal Council. But the Ordinance was disallowed by the Colonial Office and the Wellington Council was dissolved. No other Municipality was established in New Zealand before the year 1851.¹

The relations between the first two Governors and the inhabitants of the southern settlements were frankly hostile. We have already seen how Hobson earned the name of Captain Crimp by abstracting labourers from them and how FitzRoy desired to break them up.² The former, probably under the influence of sentiments expressed at the Colonial Office, looked on the Company's settlers as republicans and rebels. Having sent Shortland to assert the Queen's authority over them, he then left them alone for eighteen months. When reproached for this neglect he replied that he was delaying to visit his disgruntled subjects until he could meet them clothed with majesty and power. He did eventually go to Wellington in August 1842: the inhabitants showed their feelings towards him by remaining sulkily at home.³ The Governor stayed in

¹ See below, § 4.

² See pp. 104, 142, n. 3.

³ E. J. Wakefield gives the following account of Hobson's arrival at Wellington: 'As the boat grated on the silent and almost deserted beach, some nameless tuft-hunter came up just in time with a mob of about forty ragged labourers whom he collected among the idlers at a public-house, and they raised a very faint cheer, probably because badly paid for. Two still less reputable characters formed part of the deputation to receive His Excellency. These were Mr. Davy, the embezzling candidate for orders, and a drunken Sydney horse breaker named Bob Barrett, who had fastened a smart cavalry saddle-cloth on to a wretched old nag, and who rode into the water by the side of the boat, splashing the Governor and his suite all over, and begging him to ride in procession on the horse. Beyond this, I will venture to say that no landowner, no holder of capital, no respectable mechanic or decent tradesmen, no person who had a name to lose, assisted in the disembarkation.' *Op. cit.* p. 379. Col. Wakefield, describing the Governor's arrival to the Secretary of the Company in a more matter-of-fact manner, gives substantially the same account.

the South for twenty-seven days, but his presence did the settlers little good. No government buildings, wrote E. J. Wakefield, were appointed to be erected at Wellington.

The jail remained a straw hut. . . . The great barn which served for police-court, post-office, church, and court-house still stood. . . . dilapidated, nearly tumbling down, and perfectly pervious to the wind in every quarter.¹

Such was 'administration' in the Company's district. But even at Auckland, where the Government resided, it did not run smoothly. The parts of the machine had been fitted together by unskilled hands, the wheels creaked and groaned, and more than once during the first four years the whole concern threatened to come to a standstill. Governor Hobson had not been many days in the colony when he was laid low by a stroke of paralysis. He recovered from the attack, indeed, but he was never again the man he had been. E. J. Wakefield, who saw and spoke to him at Wellington eighteen months later, gives a pathetic picture of his mental and physical debility.² During the last months of his life (he died in September 1842) his weakness gained upon and utterly prostrated him. Thus it is not surprising that administration should have fallen almost entirely into the hands of his subordinates, of whom only Chief Justice Martin and Attorney-General Swainson were really dependable, though they certainly did not enjoy more influence than the illiterate Shortland or the unscrupulous Clarke. At Hobson's death the former actually became the officer administering the Government.

Under such circumstances it was but natural that scandals should occur. The Government's first proceedings after annexation, its proclamation forbidding the purchase of lands directly from the natives and the appointment of Commissioners to enquire into all land titles, had already estranged public sympathy from it. Its general maladministration made matters worse. Feeling was beginning to run high, when the Government emphasised its autocratic character by suppressing the opposition newspaper.³ It soon went further. Having ascertained that Mr. Earp, the unofficial member of the Legis-

¹ E. J. Wakefield, *op. cit.*, p. 399.

² *Ibid* p. 387.

³ G. B. Earp to Viscount Howick, 27th June, 1844. *P.P.* 1844, xiii. p. 697.

lative Council from Wellington, was the author of an article attacking his official brethren, Governor Hobson determined to make an example of him. But he did so in a most undignified manner. Instead of merely striking his name off the roll of the Justices of the Peace, he came down into the Legislative Council and there carried a motion of loss of confidence in Mr. Earp.¹ Countless memorials complaining of the lax and wasteful administration of the Government were transmitted to the Colonial Office. Their wording was sometimes exaggerated,² but their general trend was unmistakable. For a time the officials at the Colonial Office read these effusions with more of amusement than concern, regarding them as but a further exemplification of the anti-government fever generally caught by small colonial communities which do not enjoy self-government.³ But their concern deepened as the stream of complaints continued to flow in and the Governor's replies became more unsatisfactory. They began to suspect that something was radically wrong in New Zealand. So on 28th February, 1843—Hobson was then five months dead—Hope wrote to his chief: 'I am afraid that it will be necessary for you before long to resort to . . . a change of Governors.'⁴ Stanley agreed. Unfortunately the second Governor they sent out proved worse than the first.

The colonists certainly had excellent grounds for their dissatisfaction with the Government. Their first grievance had reference to land. In a new colony land is the staple commodity. It is valued for many purposes, one of the chief among which is speculation. Everyone buys it, if only that he may

¹ Stanley to Hobson, 5th Sept. 1842. C.O. 209/14. Stanley condemned the whole transaction. He ruled that Hobson should have taken no notice of Earp's newspaper articles. In the other case he should have removed Earp's name on his own responsibility.

² As when Dr. Martin concluded one of his pamphlets with the words: 'The Augean stable is so full of corruption, and 'the family compact' so firm that nothing else than a river of water will cleanse the one, or the strength of a Hercules break the other.' Shortland to H.M. Principal Secretary of State for the Colonies, 6th Oct. 1842 (Encl.). C.O. 209 6.

³ On 17th Aug. 1842 Stephen wrote that Martin's and Earp's cases illustrated 'the chronic disease of all colonial government, namely, 'the weakness and folly with which most men act and write when engaged in the public service'. C.O. 209/14.

⁴ C.O. 209/26.

sell it again. Even the Church missionaries did not escape its contamination. So it need occasion no surprise that Hobson's weak hand could not restrain his officials from acquiring land in an illegitimate fashion. Hobson had applied to Gipps for instructions on the legality of Government officials purchasing land, and the latter had laid down certain stringent rules, which, however, were disregarded in New Zealand.¹ This official land-jobbing naturally caused intense indignation at Auckland. But it was not merely land administration that was lax, but administration in general. The truth is, that there was in New Zealand no organised system of Government departments until the advent of Grey.² The first two Governors were too weak and inexperienced to exercise the vigilant control that was expected of them. One example of this administrative laxity must suffice. All correspondence with the Governor was supposed to pass through the hands of the Colonial Secretary. But the Chief Protector of Aborigines transmitted the correspondence of his department directly to Governor FitzRoy, so that the highest officials of the Government were left in ignorance of native affairs and policy.³

The business of his office was conducted by the late Protector of Aborigines in so unusual a manner that it is almost impossible to obtain any information upon subjects with which that office was connected, as they were shrouded with studious mystery.⁴

Neither were these the only irregularities. A 'family compact', that bug-bear of all colonial communities, was

¹ Gipps had laid it down that the price to be charged the Government officials for their allotments should be the average obtained after the sale of at least one-third of the allotments in their particular block, and that the land bought by them should be of average value only. Gipps to Hobson, 2nd Sept. 1840. C.O. 200 14. In his despatch disallowing the land purchases of the officials Stanley pointed out that Felton Matthew, the Surveyor General, and Willoughby Shortland had profited extensively from their speculations in land. Stanley to FitzRoy, 27th June, 1843. *P.P.* 1844, xiii. p. 139.

² As a result Grey found that every official threw the blame of 'the mismanagement and injudicious proceedings' that had marred FitzRoy's administration on someone else. Governor Grey to Stanley, 2nd June, 1846. *P.P.* 1847, xxxviii. [837], p. 3.

³ Governor Grey to Stanley, 3rd June, 1846. *P.P.* 1847, xxxviii. [837], p. 5.

⁴ *Ibid.*

beginning to be built up. There were three Clarkes in the Protectorate Department, the father and his two sons. One of the Sub-Protectors was a Shortland, brother to the Colonial Secretary. But the two men whose cases best illustrate the irregularities of New Zealand administration at this period are Fitzgerald and Spain. Fitzgerald was appointed Registrar of Deeds six months before the duties of his office commenced. Willoughby Shortland, who issued the warrants for his payment, was his son-in-law, whereas Fitzgerald was one of the Auditors of the colonial accounts, and thus agreed to his own remuneration.¹ FitzRoy employed this adventurer as his Special Commissioner of Land Claims for the purpose of overriding certain decisions already come to by Commissioners Richmond and Godfrey. Fitzgerald seems to have been a willing enough tool in the majority of cases, but at length a case came up in which he refused to do the Governor's bidding.² Soon afterwards he was suspended. Thereupon he wrote FitzRoy a blackmailing letter, threatening to expose him unless he paid him money down and reinstated him in his office.³ Having fully set forth the counts in his indictment he concluded :

I alone, Sir, have it in my power absolutely to destroy you, by publicly making and proving the foregoing charges. I do not wish to do so. . . . As yet this letter is a profound secret.

FitzRoy wrote home that he intended publishing Fitzgerald's letter. But he never did so, having only a few copies of the letter printed for himself, and then destroying the type.⁴ This disgraceful incident deserved a more severe rebuke than Stephen's comment that FitzRoy 'has committed a grave mistake and placed himself very much at the mercy of a most unscrupulous man'.⁵ Land Commissioner Spain's case is less glaring, but not less significant. Hobson, Shortland and

¹ Stanley to the Officer administering the Government, 20th March, 1843. C.O. 209/15.

² Governor Grey to Gladstone, 12th Nov. 1846 (Encl. A.). C.O. 209/46.

³ The voluminous documents dealing with this incident are lucidly analysed in an undated memorandum written for his official superiors by G. Gairdner. C.O. 209/46.

⁴ *Ibid.*

⁵ *Memorandum*, 7th June, 1847. C.O. 209/46.

FitzRoy had all praised his efficiency. But in 1844 FitzRoy quashed his Taranaki award,¹ and from that moment relations between the two were strained.² The Governor accused the Land Commissioner of unreasonable delay in adjudicating upon land claims and in presenting his reports. On 1st April, 1845, the Legislative Council, with the Governor's consent, struck Spain's salary out of the estimates, and on 24th September passed a resolution suspending him from his office. But on 7th October the Governor informed Spain that he would proceed no further in his case, so that the latter was never formally suspended.³ In the meantime, however, drastic steps of a more practical nature had been taken. The Governor wished Spain to quit his office, but the latter, not having finished the task allotted him by Her Majesty's Government,⁴ refused to go. Thereupon, early one morning, FitzRoy sent Spain word that unless he had departed by evening, he would send his Commissioner of Public Works to force his door and eject him. To such an argument there was no reply and Spain yielded.⁵ He handed over the unheard land claims, upon some of which FitzRoy proceeded to adjudicate himself. The Colonial Office characterised the whole proceedings as 'entirely irregular.'⁶

Soon after his arrival in New Zealand Grey wrote as follows on the state of its administrative service :

I cannot forbear remarking that I have never been in any colony in which so bad a spirit appeared to pervade the public service as in this. Almost every transaction which takes place, and which ought not to pass beyond the department connected with it, becomes publicly known and commented upon in the newspapers.⁷

Such being the irregularities practised within the inner circle of officialdom it was hardly to be expected that the Govern-

¹ See chap. vi.

² See an undated report on the whole subject by Arnold, another Colonial Office official. C.O. 209/43.

³ *Ibid.*

⁴ To which, he alleged, he was alone responsible.

⁵ FitzRoy to Stanley, 21st August, 1845. C.O. 209/35.

⁶ Arnold's Report. Earl Grey subsequently gave instructions that Spain's salary should be paid until the date of his last report on land claims in New Zealand. Earl Grey to Governor Grey, 10th Feb. 1847. C.O. 209/43.

⁷ Governor Grey to Stanley, 7th Feb. 1846. C.O. 209/42.

ment would behave regularly in its dealings with its subjects. The greatest abuses occurred, as was natural, in the administration of lands. A subsequent section¹ will deal with the whole subject of land policy; but a few cases illustrating the present topic may be cited at once. The first is that of Messrs. Whitaker and Heale.² In March 1845 the Government bought a plot of land at Auckland from the New Zealand Banking Company. On 31st July the same piece of land was sold by the Company to Whitaker and Heale, although it had never passed back from the Government to the Company. On the same day the buyers wrote to the Government offering to take other land in exchange for the plot at Auckland. The Government agreed, and on the 15th August the selection, which was a part of the island of Kauwau supposed to contain valuable minerals, was reported for confirmation. The selection was carried out without public notice and therefore without public competition. Governor Grey had the legality of the grant tested before Chief Justice Martin, and it was promptly annulled.³ The second case has reference to a purchase made under FitzRoy's notorious 'penny an acre' proclamation. The Colonial Secretary sent a certain Mr. Inlay the proclamation, which prescribed among other things the manner in which a 'limited' quantity of land might be bought. At the same time, however, in a private communication he told him how he might evade the regulations by making separate applications on behalf of friends or relatives. On the strength of this communication Inlay made a purchase of 4,140 acres.⁴

A study of the finances of New Zealand best reveals the progressive degeneration of government. The Home Government, when it sent Hobson to annex the islands, had fondly hoped that the new colony would cost it nothing.⁵ It had

¹ Section 3 of the present chapter.

² Governor Grey to Gladstone, 24th Nov. 1846. C.O. 209/46. ³ *Ibid.*

⁴ The 'payment' given to the natives consisted of one horse, one saddle and bridle, five double-barrelled guns, two single-barrelled guns, one pair of trousers. Governor Grey to Gladstone, 23rd Nov. 1846. C.O. 209/46.

⁵ The precedent of the convict colony of New South Wales, which in 1814 (an average year—see M. Phillips, *A Colonial Autocracy*, London

arranged that the Governor of New South Wales should furnish Hobson with the funds and stores he required to start his administration, and that the New Zealand Government should be responsible for the debt thus contracted.

During the first year the Government was prosperous enough. On 4th August, 1841, Hobson transmitted to the Colonial Secretary estimates of the probable receipts and expenditure of the colony for one year. According to those estimates the gross revenue would be £69,400, of which land sales were expected to produce £50,000. It was anticipated that the expenditure would exceed this revenue by £440.¹ But in his ignorance of affairs the Governor did not seem to realise that his income was soaring on the crest of a wave of land speculation, and that it would be reduced to very modest proportions when once that wave had passed. The inevitable happened all too soon. On 15th January, 1842, Hobson wrote despondently that the land revenue had been 'comparatively unproductive,' whereas the whole of the 'direct'² revenue would only amount to about £1,300 a year.³

The Land Fund having entirely failed to fulfil his expectations, Hobson had to rely more than ever on his only other important source of revenue, that of customs. His Legislative Council had imposed specific import duties on spirits, wines and tobacco; on tea, sugar and grain an *ad valorem* duty of 5 per cent.; and an *ad valorem* duty of 10 per cent. on all other goods except the produce or manufacture of the United Kingdom, of New South Wales, or of Van Diemen's Land.⁴ But there were extraordinary difficulties in the way of the collection of these duties. In the first place it was hopeless to attempt

1909, p. 80) cost the British Treasury £227,000, was not, of course, applicable to the case of New Zealand. The failure of the high hopes entertained for the free colony of South Australia had not become apparent when New Zealand was annexed.

¹ Stanley to the Officer administering the Government in New Zealand, 13th March, 1843. *P.P.* 1843, xxxiii, p. 313. The despatch gives an able summary of Hobson's financial administration and explains the plans of the Treasury.

² 'Direct' revenue seems to mean all ordinary revenue exclusive of the Land Fund.

³ *Ibid.* ⁴ Treasury Minute, dated 12th Aug. 1845. *P.P.* 1846, xxx.

to prevent smuggling on a large scale.¹ And secondly, with five ports of entry, the expense of collecting the duties was enormous. In 1844 FitzRoy wrote that it had cost £4,000 to collect a gross revenue of £10,000.²

Hobson soon realised that he would not be able to go on without assistance from the Home Government. So he proceeded to draw bills on Her Majesty's Treasury. But so bad was the credit of the infant colony, and so great Hobson's distress, that his Treasurer was forced to accept terms at Sydney which can only be described as preposterous. The three bills drawn by Hobson (amounting altogether to £15,000) were taken by the Royal Bank of Australasia as security for prospective allowances to the extent of £10,000. Interest was demanded at the rate of 15 per cent.³ It is no wonder that the Treasury refused to accept these bills, as also a long series of others drawn by Hobson and FitzRoy.⁴

But the Treasury could not rid itself thus easily of its responsibility. During the months of January, February and March, 1843, there were protracted negotiations between that department and the Colonial Office as to the amount of financial assistance to be given to the colony. The Treasury attempted to lay down certain general principles governing such assistance.⁵ Stephen, however, would have none of them: conditions in the different colonies were too dissimilar. He insisted that the Treasury could never shake off its liability for the expenditure of a Crown Colony, which was administered as a branch of the British Government. And since public feeling

¹ Hobson to Stanley, 14th July, 1842. C.O. 209/15. According to a Report of the Sub-Collector of Customs 'enclosed in the above despatch, French and American ships were the chief offenders in this respect.

² FitzRoy to Stanley, 29th Sept. 1844. *P.P.* 1845, xxxiii. p. 249.

³ Shortland to H.M. Principal Secretary of State for the Colonies, 2nd Nov. 1842 (Encl.). C.O. 209/16.

⁴ Memoranda by Hope and Stanley, 12th April, 1843. C.O. 209/16.

⁵ In general, thought My Lords of the Treasury, a new colony can expect aid from the British Treasury under the following heads: (1) The representation and exercise of the authority of the Crown in civil government and the supreme courts of justice. (2) The administration of the civil government. (3) Religious instruction. (4) Military protection. No wonder British Governments were chary of sanctioning the acquisition of new colonies.

in such a colony was against the collection of both direct and indirect taxes,

the Revenue *will* be deficient. The Governor will draw bills on the Treasury; and, notwithstanding all their resolutions, the Treasury *will* accept and pay them.¹

This is exactly what happened in the case of New Zealand. At the outset the Governor had been admonished with great earnestness to keep his expenditure within the narrowest possible limits. Particular estimates of his had often been objected to. In 1843, when the first grant-in-aid became necessary, only £7,545 15s. was voted, and only for one year.² In the same year the Treasury had decided to pay the £10,000 borrowed from the bank at Sydney, though only at 5 per cent. interest, as well as the debt of £45,500 due to New South Wales from New Zealand. Further than this the Treasury refused to go.³ It insisted, for example, that the sums borrowed from the Emigration Fund in order to meet general expenditure should be repaid.⁴

But in New Zealand events refused to wait on the pleasure of the Treasury. In April 1844 FitzRoy wrote that a grant-in-aid of

ten thousand pounds for three years would enable New Zealand to become a self-supporting colony, of real value to the mother-country.

In the same despatch he informed the authorities that he had been obliged to issue debentures to defray £9,000 due to his officials in salaries.⁵ Shortly afterwards, in contravention of

¹ *Memorandum*, 28th Jan. 1843. C.O. 209/25.

² Stanley to the officer administering the Government in New Zealand, 13th March, 1843. *P.P.* 1843, xxxiii. p. 313.

³ *Ibid.*

⁴ By 31st Dec. 1841 Hobson had already applied to general expenditure £12,000 out of that portion of the Land Fund which, according to instructions from the Colonial Office, had to be devoted to emigration. *Ibid.*

⁵ FitzRoy to Stanley, 15th April, 1844. *P.P.* 1845, xxxiii. p. 24. Early in 1844, wrote FitzRoy some months later, it had become a serious question whether to stop payment altogether 'and break up the greater part of the government establishment or adopt some means of keeping the absolutely necessary parts of the machine going'. The means was the Debenture Ordinance.

the standing instructions of the Treasury, forbidding the introduction of a paper currency, he made those debentures legal tender and inconvertible.¹ In September 1844 he destroyed his last important source of revenue by abolishing all customs duties.² In their place he levied an income and property tax. The result was that the revenue as estimated by FitzRoy fell in one year from £26,000 to £16,565.³ In April 1845 FitzRoy informed Stanley that he had re-established the customs duties, since his property tax had not fulfilled expectations.⁴

When Governor Grey arrived in New Zealand towards the end of 1845 he found the finances of the colony in a desperate state. At once he took vigorous and effective measures. Finding that a despatch from the Colonial Office disallowing FitzRoy's Debentures Ordinance had been kept secret, he had it published forthwith.⁵ At the same time he took steps to re-introduce a sound currency: for FitzRoy's debentures had almost driven specie out of circulation. No less than £37,000 of debentures, instead of the £15,000 authorised by the colonial ordinance, were in circulation.⁶ Grey determined to call them in on liberal terms.⁷ But this measure, as well as the other measures necessitated by the native wars in the North and

¹ FitzRoy to Stanley, 16th Oct. 1844. *P.P.* 1845, xxxiii. p. 268, FitzRoy gave as his reason for this step that 'attempts were being made to depreciate their value by selling them [the debentures] at a public auction and by making a run upon the bank.'

² FitzRoy to Stanley, 29th Sept. 1844. *P.P.* 1845, xxxiii. p. 249. The Treasury considered that FitzRoy's Ordinance of 22nd Oct. 1844, abrogating all powers of the officers of H.M. Customs for exercising control over foreign trade, was 'an ill-advised and uncalled for proceeding, and at variance with the laws of the United Kingdom'. *Treasury Minute*, dated 12th Aug. 1845. It should be remembered that, though Great Britain was rapidly moving in the direction of complete free trade, the Enabling Act which liberated the trade of the colonies had not yet been passed.

³ *Ibid.*

⁴ FitzRoy to Stanley, 9th April, 1845. *P.P.* 1846, xxx. p. 183.

⁵ Governor Grey to Stanley, 23rd Nov. 1845. *P.P.* 1846, xxx. p. 343.

⁶ *Ibid.*

⁷ He gave notice that all debentures under £70 presented at the Colonial Treasury would be paid for in specie to the extent of one-fourth of their face value. For the rest of the amount (increased by interest

South, and by Governor Grey's passion for good government, cost money. And Grey frankly told the Imperial authorities that they had to supply all he needed. The latter had now to pay the bill for the damages caused by the neglect for which they were primarily responsible. It is to their credit that they did so cheerfully. The Governor informed them that the government of the colony had so far been carried on at an average annual expenditure of at least £49,000, while the estimated revenue was only £26,000.¹ He demanded a parliamentary grant of at least £25,000.² Five months later he was demanding £36,000.³ The Treasury responded without demur: on one occasion it even gave him £5,000 more than he had asked for!⁴ Its liberality was fully justified by results. The Governor was enabled to bring peace and order to a distracted country. And as order returned so was he able to rely increasingly on colonial resources. By 1850 the grant-in-aid could be reduced to £20,000⁵; in 1852 it was further reduced to £10,000, and in 1853 to £5,000.⁶ Before the first New Zealand Assembly met in 1854 the system of grants-in-aid had been finally abolished.

In a Crown Colony, and especially in a Crown Colony which is in process of establishment, everything depends on the character of the Governor. He is the head and fount of all administration, a veritable autocrat untrammelled in his authority, save in so far as he is responsible to a superior authority many leagues removed from the scene of his labours. It thus becomes of particular importance to study the character of the first three Governors of the rising colony at the Antipodes.

The first Governor need not detain us long. All that can be

due on it when presented) a debenture would be issued bearing interest at the rate of 8 per cent., the whole being payable at any time after three months' notice given in the *Government Gazette*. *Ibid.*

¹ Governor Grey to Stanley, 10th Dec. 1845. *P.P.* 1840, xxx. p. 354.

² *Ibid.*

³ Governor Grey to Stanley, 12th May, 1840. *P.P.* 1847, xxxviii. [763], p. 13.

⁴ Earl Grey to Governor Grey, 20th March, 1850 (Encl. 1). *P.P.* 1850, xxxvii. p. 1118.

⁵ *Ibid.*

⁶ Governor Grey to Earl Grey, 15th Sept. 1851. *P.P.* 1854, xlv. p. 09.

said of him is that he carried out his initial instructions. He forestalled the French, made the Treaty of Waitangi, and annexed the islands of New Zealand. For reasons of health he remained, during the greater part of his administration, a mere figurehead. The evils that showed themselves during his reign can best be studied in their consummation under his successor.

Captain FitzRoy, of the Royal Navy, was a truly remarkable man; remarkable, however, not for his talents, but for his amazing incompetence. How the Colonial Office could have been so utterly deceived in its man remains a mystery. But it was not the only dupe. Before he left FitzRoy had an interview with the Directors of the New Zealand Company, who expressed themselves as having 'full confidence' in his character and abilities; as satisfied with his 'sound and enlarged views' of colonisation; and as convinced that he would not favour any particular section or locality in New Zealand.¹ Never was estimate more grievously mistaken. FitzRoy had no qualifications for his position; he held the missionary view of colonisation; he favoured the Maoris at the expense of the whites and the North at the expense of the South.² In New Zealand they soon learned to judge him at his true worth. The Rev. Octavius Hadfield wrote of him, that he 'lacked mind and patience to investigate a subject deeply' and 'that he was incapable of taking a comprehensive or philosophic view on any subject, or of exercising a sound judgment upon it'.³ The consequence was a degree of vacillation and inconsistency that would be incredible were the facts not vouched for in official documents. 'His mind is in such a state', wrote one of the spokesmen of the Southern settlers, 'as to preclude any reasonable conjecture as to what his conduct will be under any given circumstances', and in all his actions he exhibited a 'degree of inconsistency of purpose and inconsistency in action, of suspicion, of inordinate self-esteem, and contempt for others, . . . of general infirmity of purpose or conception . . .' that was absolutely unprecedented.⁴

¹ Ward to Colonel Wakefield, 18th May, 1843. C.O. 208/166.

² See chap. vi.

³ O. Hadfield to Rev. H. Venn, 8th March, 1847. C.M.S. Archives, New Zealand Papers, No. 48.

⁴ G. S. Evans to Stanley, 6th May, 1845. *P.P.* 1845, xxxiii. p. 493.

Competent advisers might to some extent have made up for these infirmities. But FitzRoy chose his confidants badly. Being a very religious man, he turned to the missionaries for counsel even in secular matters.¹ His *fidus Achates*² was George Clarke, the Chief Protector of Aborigines, a man of no education and of small account among the other members of his calling. Suspicions of his honesty and disinterestedness were widely entertained. He was deeply involved in land speculation.³ The Rev. O. Hadfield wrote that while he did not question the motives of the majority of the missionaries who had bought land in New Zealand, his

opinion with regard to Mr. Clarke was very different ; and I can only now say that it was with extreme regret that I learned that he had again become connected with the mission⁴ : I consider that circumstance a serious blow to the mission.⁵

Some examples of FitzRoy's mismanagement have already been given : others will be cited when we deal with land and native policy. He was continually landing himself and his Government in Gilbertian situations. His behaviour would form the subject of a most entertaining burlesque. It only becomes possible to treat his administration seriously, when one reflects on the tragic import for the governed of the part their

¹ The southern settlers, in a very able petition to the Colonial Office, referred to the 'somewhat obtrusive and absorbing observance of devotional duties, which . . . has given to Government House the air of a conventicle, and caused its almost entire desertion by all but the missionaries'. Harrington to Gladstone, 7th May, 1846 (Encl.), C.O. 209/48.

² According to the Report of the Proceedings of the Legislative Council on 13th March, 1845, FitzRoy said that 'the services of that gentleman [the Chief Protector] were of more value than those of any five of the officers of the Government'; and again, that ' . . . his counsel and assistance were of such value and importance that he would not attempt to carry on the business of the country without him'.

³ Clarke had been awarded the maximum legal grant of 2,500 acres by the Land Commissioners. FitzRoy had his case re-opened and awarded him 5,500 acres. Governor Grey to Gladstone, 23rd June, 1846. *P.P.* 1847, xxxviii. [837], p. 32.

⁴ That took place after his resignation of the office of Chief Protector of Aborigines.

⁵ O. Hadfield to the Rev. H. Venn, 1st March, 1848. C.M.S. Archives, N.Z. Papers, 48.

Governor was playing. Toward the end of his reign the ship of state was being driven helplessly before the wind. The helmsman had lost his nerve. His despatches grew almost hysterical. 'The state of this colony', he wrote on 16th September, 1844, 'is unprecedented and most critical'.¹ On 16th October he must needs contradict himself:—'The settlements', it now appears, 'are thriving'.² But on 20th March, 1845, he wrote to Governor Gipps that, if help was not sent directly, New Zealand would have to be abandoned.³ On 9th April, 1845, he had determined to defend Auckland to the last.⁴

About the same time Lord Stanley had decided on the recall of FitzRoy. The despatch⁵ in which he explained the reasons for this step once again illustrates the peculiarities of colonial administration, and forms, perhaps, one of the most damning documents in its history. FitzRoy's personal character, he confessed, still stood in his eyes above suspicion, but 'the defects in circumspection, in firmness, and punctuality, which have occurred in your administration of the affairs of the colony,' have been too great to be condoned. He divided his indictment under five heads. The first related to the dearth of FitzRoy's despatches. He had entered into office on 26th December, 1843. From that date until 28th September, 1844, the date of his latest communication, he had forwarded despatches on only three occasions, namely 15th January, 15th April, and 16th September, 1844, in spite of the fact that the New Zealand Company had heard frequently from its agents. On only two occasions, continued Stanley, had FitzRoy deigned to describe the general state of New Zealand, on 11th January when he called it 'encouraging', and on 16th September when his description was 'very alarming'. Why, asked the Colonial Secretary, had FitzRoy between these two dates made no mention whatever of the gathering clouds? Why had he written not even a single line during the eight months that had elapsed since 16th September? The second head related to finance. After giving a *résumé* of FitzRoy's financial measures, Stanley

¹ FitzRoy to Stanley, 16th Sept. 1844. *P.P.* 1845, xxxiii. p. 214.

² FitzRoy to Stanley, 16th Oct. 1844. *P.P.* 1845, xxxiii. p. 268.

³ FitzRoy to Gipps, 20th March, 1845. *C.O.* 209/33.

⁴ FitzRoy to Stanley, 9th April, 1845. *C.O.* 209/33.

⁵ FitzRoy to Stanley, 14th May, 1845. *C.O.* 406/4.

pointed out that he had so far neglected to defend or explain the ordinance making his debentures legal tender, although the measure was contrary to his 'peremptory instructions'; neither had he explained his estimates for the financial year 1844-5, though they involved a deficit of £10,000 and had been opposed by the unofficial members of his council. Coming to land policy Stanley condemned the quashing of Spain's award at Taranaki and the 'penny an acre' proclamation. The last two counts in the indictment dealt respectively with the Governor's neglect to organise a militia¹ and the weakness of his native policy. In fine, FitzRoy had disobeyed specific instructions on five separate occasions, and in no instance had this transgression been justified by results.

When FitzRoy left the colony it was in a desperate plight. He had himself, a year previously, described its condition in the following terms:

We have no money, except the paper currency reported in my despatch of the 15th April last (No. 11). The receipts of customs are diminishing monthly, owing to general poverty; fees on grants to land cannot be paid, for the same reason, and near four hundred deeds of grant which I have signed since my arrival are now lying in office, because those in whose favour they are made out are too poor to pay the fees required by law.

Legal business in the Courts is next to nothing; not from a scarcity of cases to be tried, but from want of means to pay lawyers.

The officers of government, without any exception, whose authorised salaries exceed £80 per annum, are only receiving half salary, and that, of course, in debentures, having (*sic*) no other currency.

The absolute poverty of the southern settlers, as well as those about the Bay of Islands, the distress and confusion caused by the cessation of the Company's operations, the arrears of payment due from the Government, the uncertainty as to future means and the effects of the customs restrictions, are now causing the greatest perplexity.

It is absolutely certain that, unless some great change be speedily effected, no one can foretell the extent of disaster.²

A year later things had grown even worse. A war had broken out between the British and two northern chiefs, Heke

¹ He had even, in spite of reiterated instructions, expressed himself in public as opposed to a militia. *Ibid.*

² FitzRoy to Stanley, 16th Sept. 1844. *P.P.* 1845, xxxiii. p. 214.

and Kawiti. The origin of the war will be discussed later. Here it need only be mentioned that Heke had twice cut down the flagstaff at Kororareka, had burnt the town itself, and had inflicted a series of severe checks on the British forces. When FitzRoy left New Zealand the troops, having been withdrawn from the enemy's country, were wintering at Kororareka.¹ Heke and Kawiti had rejected FitzRoy's overtures for peace, and were as defiant as ever.²

The despatch recalling FitzRoy had been written some months before the news of the outbreak of war in the North reached the Colonial Office. But the authorities were at length sufficiently under the impression of the dangers of the situation in New Zealand to realise that they must send one of their best men to succeed him. Their choice fell upon Captain George Grey, the Governor of South Australia. He was to go to New Zealand as Lieutenant-Governor and to appear there as a temporary Commissioner for the adjustment of difficulties. But Stanley promised that as soon as Grey's definite acceptance of his new office reached him, he would be gazetted Governor and his appointment made permanent. To remove any cause for pecuniary anxiety his salary (amounting to £2,500—an increase of £1,300 on FitzRoy's) would be paid directly by the Treasury.³

Captain Grey, or Sir George Grey as he became in 1848, was one of the most remarkable of the many famous men who have added lustre to the colonial service of Great Britain. During a long and eventful life he served his country in many different capacities requiring widely different gifts of brain and character. He was successively an explorer in Western Australia, an autocratic ruler in South Australia and New Zealand, a Governor under 'representative' institutions in the Cape Colony and under 'responsible' institutions in New Zealand, and finally, Prime Minister of New Zealand. In some of these spheres he

¹ FitzRoy to Stanley, 25th Oct. 1845. *P.P.* 1846, xxx. p. 294.

² FitzRoy to Stanley, 25th Oct. 1845 (Encls.). *P.P.* 1846, xxx. p. 304. FitzRoy's conditions included the giving up by the rebels of a portion of their lands. Old Kawiti had replied as follows: 'If you say, let peace be made, it is agreeable; but as regards this you shall not have my land; no, never, never! . . . Sir, if you are very desirous to get my land, I shall be equally desirous to retain it for myself.'

³ Stanley to Grey, 13th June, 1845. *P.P.* 1846, xxx. p. 224.

was more successful than in others, but in all he rendered eminent service.

George Grey was born in 1812 of Irish parentage.¹ He thus grew to manhood at a time when the Tory reaction due to the revolutionary and Napoleonic wars was giving way before the rising tide of Liberalism. Young Grey seems early to have acquired an attachment for the generous ideals of the French Revolution, and throughout his life the trinity of liberty, equality and fraternity continued a source of inspiration to him. He was a firm believer in the dignity of 'natural' man. But for all his democratic ideas he was very far from being a democrat. He had the interests of the people at heart, he worked for the people, but it irked him to be ruled by the people. He did not mind being a servant of the people as long as he could be its first servant. He never learned to work with colleagues who were on an equal footing with himself. He was born to command, not to persuade. Never throughout his career did he shrink from taking strong measures, entirely, if need be, on his own responsibility, sometimes even in opposition to the express instructions of his official superiors.² He had many of the ways of the autocrat—silent and secretive, it was difficult to know his inner mind. But his autocracy was rendered pre-eminently benevolent by his splendid qualities of mind and heart. One is continually struck by the many-sidedness of the man. He was an adept even at the writing of despatches. Indeed, his enemies accused him of being too prone to embellish his case and do grave injustice to that of his opponents. Finally, and most important of all, he possessed a temperament very rare among politicians and administrators, that of the creative artist. During his first administration in New Zealand

¹ G. C. Henderson, *Sir George Grey* (London 1907), chap. ii.

² He came into collision with the Duke of Newcastle for refusing to forward the Auckland quota towards the defrayment of the New Zealand Company's debt, and was recalled from the Cape for disobedience to instructions on three important occasions. (Newcastle to Grey, 21st Nov. 1853; G. C. Henderson, *op. cit.* chap. xii.) His feelings towards the Colonial Office grew more hostile as he grew older until on one occasion during his tenure of the N.Z. Premiership they impelled him to the following outburst: 'Of the Secretary of State we absolutely know nothing—for the Secretary of State we absolutely care nothing.' G. C. Henderson, *op. cit.* p. 253.

he was the creator of institutions,¹ while later he became the creator of policies.²

Grey is by far the most famous actor that has yet appeared on the stage of New Zealand politics. And of all his administrations there, or indeed anywhere, his first was the most fruitful. He was fortunate enough to enjoy the esteem and confidence of the Colonial Office throughout his term of office. He was also fortunate in being allowed to play the part of the enlightened despot for which he was so well qualified.

Though only thirty-three years old when he first came to New Zealand, Grey was not without administrative experience, since he had just served a strenuous term as Governor of South Australia. In that capacity he had extricated the new colony from the disasters wrought by a vicious system of dual control and a spendthrift predecessor.³ He succeeded in his task, though not without some rather desperate expedients and a good deal of heart-burning.⁴

But New Zealand was to prove a far more searching test of his abilities than South Australia had been. Before he could start on the work of construction the rebellions that had broken out both in North and South had first to be quelled. Grey wasted no time. Having summoned a conference of those Northern chiefs who were reported to be wavering he compelled them to declare their feelings openly.⁵ To a man they ranged themselves on the side of the Governor. Finding that a brisk traffic in guns and ammunition was being carried on between some of the whites and the Maoris (a trade which FitzRoy had been afraid to forbid, though it supplied the Queen's enemies with offensive weapons), Grey at once issued a forbidding proclamation and enforced it by means of stringent penalties.⁶ He had already broken off negotiations with Heke and Kawiti, and now proceeded straightway to the attack.⁷ With no more

¹ See below, §§ 2-4.

² He was the originator of such democratic policies as closer settlement and the breaking up of large estates, which policies have come to be peculiarly associated with New Zealand.

³ See above, chap. i.

⁴ G. C. Henderson, *op. cit.* chapters iv. and v.

⁵ Governor Grey to Stanley, 8th Dec. 1845. *P.P.* 1846, xxx. p. 347.

⁶ Governor Grey to Stanley, 22nd Nov. 1845. *P.P.* 1846, xxx. p. 339.

⁷ Governor Grey to Stanley, 8th Dec. 1845. *P.P.* 1846, xxx. p. 346.

than FitzRoy's troops at his disposal he accomplished what FitzRoy had considered impossible.¹ Before two months had passed the rebels' last stronghold had fallen, and Heke and Kawiti had been compelled to sue for peace.² Within little more than a year Grey could write home that all was quiet both in the North and in the South.³

These results were due almost entirely to the personality of the Governor. It is impossible to read Grey's despatches during his first year in New Zealand without feeling that a master hand was at length guiding the destinies of the colony. There is now no hesitation, no fear. The end is clearly envisaged, and the means to its realisation adopted with unerring insight. At the Colonial Office they were surprised at the rapidity of Grey's success. The great proconsul was already beginning to cast his potent spell. His despatches were often characterised as 'remarkable'. Stephen, allowing himself the use of a metaphor, commented on the gratifying progress of the colony 'over which Governor Grey's presence seems to have thrown a kind of sunshine'.⁴

Grey's success was in part due to his amazing energy. Hobson and FitzRoy had but rarely left Auckland; Grey was constantly on the move. As soon as he had dealt with the Northern rebels he took ship for Wellington in order to superintend operations in the South.⁵ Soon afterwards he was at Taranaki trying to settle the land troubles bequeathed him by FitzRoy.⁶ At Nelson his presence brought new hope to the settlers. He crossed and re-crossed the Maori country, came into personal contact with the chiefs, and learnt their language in order that he might converse with them freely and intimately. He studied them the while with the eye of a lover

¹ Governor Grey to Stanley, 10th Dec. 1845. *P.P.* 1846, xxx. p. 354.

² Governor Grey to Stanley, 22nd Jan. 1846. *P.P.* 1846, xxx. p. 388.

³ Governor Grey to Earl Grey, 6th Feb. 1847. *P.P.* 1847, xxxviii. [837], p. 96.

⁴ *Memorandum*, 12th Jan. 1847. C.O. 209/45.

⁵ Later, in 1850, when the New Zealand Company resigned its Charters, he broke up his establishment at Auckland and went to reside permanently at Wellington in order to settle the manifold difficulties which arose out of that event.

⁶ Governor Grey to Earl Grey, 2nd March, 1847. *P.P.* 1847-8, xliii. p. 256.

and found time to compile a most useful work on their mythology, a work which is still authoritative.¹ Nor did he neglect to send home copious accounts of his activities. Whenever he has a moment of leisure, during his voyages from one settlement to another on the small Government brig, or on the evening of arrival at Wellington after the tiring interviews of the day, we find him at work on his despatches.²

But if the rôle of an autocrat suited Grey's character admirably, he was also acutely aware of the responsibilities of his position. The fact that he was irresponsible as far as the people of the colony were concerned only rendered his ultimate responsibility the greater. For if anything went wrong he would have to bear the whole blame. In any Crown colony, again, there is always a natural tendency for public opinion to be 'agin' the Government', and, if the Governor feels it his duty to introduce unpopular measures, he is bound to meet with clamorous and often unscrupulous opposition. Grey certainly had to bear his full share of opprobrium. When he left the colony in 1853 he was the best hated man in it. Much of this unpopularity had its roots in the strong measures he felt bound to take to remedy the evils caused by his predecessors' land policy. He had the northern settlers up in arms against him by disallowing some of FitzRoy's land grants.³ Worse still, he could not even rely on the support of all his officials, as some of them were deeply involved in land-jobbing.⁴ And so there were times when he felt the loneliness of his position almost unbearable.

In so excessively limited a community as this any Governor who will not yield to any claims that may be put forward by the persons interested, must necessarily encounter the most painful opposition.⁵

And again, 'I have never been placed in so disagreeable a

¹ *Mythology and Traditions of the New Zealanders* (London 1854).

² Governor Grey to Earl Grey, 19th Dec. 1846. C.O. 209/46.

³ See below, § 3.

⁴ 'Members of the Legislative Council, and various Government officers, were among the first to avail themselves largely of them,' (*i.e.* of the concessions embodied in the 'penny an acre' proclamation). Governor Grey to Stanley, 9th June, 1846. *P.P.* 1847, xxxviii. [837], p. 7.

⁵ Grey to Gladstone, 6th Oct. 1846. *P.P.* 1847, xxxviii. [837], p. 69.

position as I occupy in Auckland'.¹ He thus turned naturally to the only quarter that could relieve him of a portion of his responsibilities, and we find the proud proconsul anxiously supplicating the Colonial Secretary to furnish him with precise instructions on the land question.²

The Maori peril having been successfully averted, Grey turned with enthusiasm to the more congenial and constructive task of the establishment of civil institutions. In this sphere, though some useful laws had been framed by their legal advisers,³ Grey's predecessors had been content to lead a mere hand-to-mouth existence. The result was that the civil organisation of the country was in a most rudimentary state. To Grey fell the task of laying the foundations on which a sound administrative and constitutional system might be built. On the successful accomplishment of this task rests his chief title to fame in New Zealand. We find his creative genius at work in all departments of administration. He framed a land system, created institutions for the Maori people, and laid the foundations for constitutional development. His work in these most important spheres will be dealt with in detail later on.⁴ Other administrative measures were 'an ordinance to authorise the establishment of a Colonial Bank of Issue, to make and issue a paper currency [which was to be perfectly convertible] and to prohibit the making and issuing of paper money by private individuals',⁵ and 'an ordinance to provide for the

¹ Grey to Gladstone, 6th Oct., 1846.

² *Ibid.*

³ Swainson and Martin, two of the officials sent out from England, were responsible for the drafting of these laws. When Hobson transmitted nineteen ordinances to the Colonial Office as enclosures to a despatch dated 29th March, 1842, Stephen commended the officers who had drafted them for their skill and learning. In particular he praised the ordinances dealing with the registration of deeds and the conveyancing of real property, and the one abolishing Grand Juries, the first two because of their clearness and simplicity. He considered that it was far better to lay down a completely new basis for the legal system of a new colony than to build on the complicated basis of English law, as had been done in British North America and Jamaica. *Memorandum*, 29/9/1842. C.O. 209/14.

⁴ See the sections of this chapter dealing with land, the natives and the constitution.

⁵ A. Domett, *The Ordinances of New Zealand*, (Wellington, 1850). B. 13. As a result of this ordinance two banks were established, one

Management of Savings' Banks in the Colony of New Zealand'.¹ The Governor also established an armed police force consisting of

a sufficient number of fit and able men . . . sworn before a Justice of the Peace to act as constables in and throughout the colony, for preserving the peace, and preventing robberies and other felonies, and apprehending offenders against the peace.²

The ordinance authorising the Governor to establish pounds wherever they might be required supplied a long felt want.³ The work on roads, bridges and public buildings, which were almost non-existent when Grey arrived, was pushed forward to the utmost extent which his funds allowed.⁴ Grey may have been autocratic, but the sum total of his reforms tended to hasten the day when the hand of the autocrat would no longer be needed to direct the Government.

§ 2. *Native Policy*

The civilised peoples of mankind have, at various times and places, adopted different methods of dealing with those races which they were pleased to call 'savage' or 'barbarous'. Sometimes they proceeded by the robber's method of conquest, expropriation and enslavement: that way generally led to the partial or complete extermination of the native population. At other times they merely seized such portions of the savages' land as they required for their purposes, leaving the natives to live as they pleased in the territory that had been left them, provided they behaved with docility. If they did not they were chastised by means of the punitive expedition. In most cases this method also led to extermination. Advancing farther we catch the first glimpse of what may be dignified by the name of a native policy. It is the policy of segregation, of letting the native people develop after its own fashion with the minimum of interference or help from the dominant race. Next in order comes a policy which would also allow the natives at Auckland, the other at Wellington. Governor Grey to Earl Grey 25th Nov. 1847. *P.P.* 1847-8, xliii. p. 397.

¹ *The Ordinances of New Zealand*, G. 3.

² *Ibid.* A. 13.

³ *Ibid.* F. 6.

⁴ Governor Grey to Stanley, 12th May, 1846. *P.P.* 1847, xxxviii. [763], p. 13.

to develop their society in freedom, but would hasten that development by fostering what is best in their institutions. This is the policy which is at present largely adopted by British administrators in tropical Africa ¹: it has been helped by recent advances in the study of primitive man and his ways. An older policy is that which has been adopted generally by the missionaries. It proceeds on the assumption that savages can be changed into civilised beings by the simple process of 'conversion' and drawing its inspiration from a belief in the fundamental equality of all men tends to ignore racial distinctions. There is, finally, the policy that would solve the native problem, especially in a country containing a comparatively large white population, by the amalgamation of the advanced and the backward communities.

In 1840 the Colonial Office had not had much experience of native administration. It could, indeed, have learnt something from what was being done in India, but there was unfortunately no co-ordination between the Indian and the Colonial Departments.² The native populations of the West Indies had until recently been in a condition of slavery, and the native problem in the Cape Colony was just beginning to be studied. The Colonial Office, being thus without a policy with regard to the aborigines and the relations which ought to subsist between them and the white colonists, was fain to adopt the only one which was available and enjoyed influential support in the country. That policy, the policy of the missionary societies, had received its classical expression in the *Report* of the Aborigines Committee.

We have already commented on the spirit in which that report was written.³ Here it need only be pointed out that some of the Committee's recommendations proceeded from an idealisation of the character of the native, which had been carefully fostered in England by the missionaries. The Maoris came in for their due share of this idealisation. The New

¹ See F. D. Lugard, *op. cit.* pp. 197-213.

² Even at the present day we find Sir F. D. Lugard complaining that the valuable experience in native affairs gained by Indian administrators is not made available to African officials through the same lack of co-ordination between the India and Colonial Offices. *Op. cit.*

³ See above, chap. i.

Zealand Association had considered it as part of their mission to save that 'noble race' from extinction. The same epithet was generally applied to them in the British Parliament by speakers on New Zealand affairs. Now, it is true that the Maoris had by the year 1840 attained some measure of civilisation, and that their extraordinary faculty for imitation rendered them comparatively apt pupils of the teachers of European ways. Neither could their bravery and occasional chivalry fail to rouse the admiration of European observers. But of late years a better acquaintance with the mind of primitive races and of animals has cautioned us against the fallacy of deducing from similar actions on the part of races in different stages of development similar qualities of mind or character. In 1887 the Earl of Pembroke referred to the lack of understanding of the native character as the chief cause of the failure of the 'philanthropic policy' adopted in New Zealand.¹

The favourite blunder consisted in jumping at conclusions concerning native character from certain analogies with our own.²

According to him, the much vaunted 'chivalry' that made the Maoris feed and arm their enemies was merely the outcome of a savage lust that enjoyed a fight for its own sake, and enjoyed it better against a well than an underfed foe, while the readiness with which they embraced the Christian religion was chiefly to be attributed to the fact that being impressed by the superiority of the whites in ships, arms and the arts generally, they argued that the 'mana' of their religion must be greater than that of their old superstition.³

The missionaries held strongly to the view that wherever disputes had broken out between the whites and the natives the former were always in the wrong. Furthermore, as the native 'treaty' policy, which was adopted under their influence both in South Africa and in New Zealand, proved,⁴ they tended to regard the natives as the equals of the whites and not as minors who needed on occasion to be kept firmly under control. These two views dictated the policy which the missionary societies urged upon those responsible for the affairs of New Zealand. It resolved itself into the oft-quoted recom-

¹ *Old New Zealand*, Introduction, p. xii.

² *Ibid.*

³ *Ibid.* pp. xii-xv.

⁴ See above, chap. i.

mendation that the natives should be ruled by 'moral influence'. But it went even further, since it embodied the Christian doctrine of non resistance, the turning of the other cheek. For the purpose of realising these ideals, the measures which had been recommended by the Aborigines Committee for trial in the Australian colonies were also to be adopted in New Zealand.¹ The missionaries and officers known as Protectors of Aborigines were to be responsible for carrying out the 'system'. No expenditure, says the *Report*, 'should be withheld that can be incurred judiciously for the maintenance of missionaries, who should be employed to instruct the tribes, and of protectors, whose duty it should be to defend them'.² Nothing was said as to the uplifting of the natives by the establishment of civilised institutions, since the missionaries tended to take it for granted that the preaching of the gospel was in itself a sufficient civilising agency.

We have already seen that Stephen was omnipotent at the Colonial Office when Captain Hobson was sent out to proclaim the sovereignty of the Queen over New Zealand.³ Stephen's predominance meant the predominance of a missionary native policy. Stephen himself, however, was much less sanguine than the missionary societies as to the success of their policy. He believed that when a white race colonised a country inhabited by aborigines the extinction of the latter was assured. There was, he wrote in private memoranda, only one method by which such extinction might possibly be averted. But the method which he advocated was that of a despairing idealist, for it was none other than making the natives sufficiently formidable to prevent encroachment by the whites.⁴ That, he considered, would be more efficacious than the appointment of a hundred Protectors. Such a policy was too desperate to be put into practice in a British colony, and so Stephen was forced to fall back upon the missionary alternative.

That plan was adopted almost in its entirety under the régime of the first two Governors. Hobson, under whose instructions the policy was initiated,⁵ left Chief Protector Clarke

¹ *Report*. P.P. 1837, vii. pp. 83-4.

² *Ibid.* p. 83.

³ See above, chap. i.

⁴ C.O. 209/4.

⁵ Normanby, in his initial instructions to Hobson, had told him to appoint a Protector of Aborigines, to interdict cannibalism and in other

full freedom to carry it out. But it was under Hobson's successor that it was developed to its furthest limits. Captain FitzRoy had long been well known in missionary circles. In his evidence before the Lords' Committee on New Zealand in 1837 he had shown himself a strong exponent of the missionary view.¹ The British Resident, he had insisted, had lost all influence with the natives, because he refused to work with the missionaries. He had gone on to recommend a declaration of British sovereignty over New Zealand as against foreign nations, but non-interference with respect to the Maori tribes. He had, finally, attempted to discourage all schemes for the colonisation of the islands.² No wonder the Church Missionary Society recommended him to the Colonial Office as a suitable Governor for New Zealand.³

Accordingly, for the first five years after its annexation New Zealand was the scene of an important experiment in the art of native government. For the first (and last) time was it attempted to govern on missionary principles a native race in a colony which was being rapidly settled by whites. Since missionaries naturally presided over the execution of their policy, it becomes important to enquire what manner of men the New

ways promote the civilisation of the aborigines, and to support the missionaries, even to the extent of rendering them pecuniary aid. Normanby to Hobson, 14th Aug. 1839. *P.P.* 1840, xxxiii. p. 623.

In 1841 Lord John Russell had added more definite instructions: In future not less than 15 and not more than 20 per cent. of all monies realised from the sale of land acquired by purchase from the aborigines was to be handed over to the department of the Protector of Aborigines, which sum will constitute a fund for defraying the Protector's establishment, and for defraying . . . charges . . . for promoting the health, civilisation, education and spiritual care of the natives'. Russell to Hobson, 28th Jan. 1841. *P.P.* 1841, xvii. p. 547.

¹ His evidence recorded the observations which he had made when visiting New Zealand in 1835 in command of the 'Beagle', whose cruise has been rendered famous by Charles Darwin. *P.P.* 1837-8, xxi.

² *Ibid.* 'Every just and disinterested man must, if he gives attention to the subject, see the inconsistency, the bad faith, the immorality—I will even add impolicy, as well as the utter dereliction of that true and manly spirit of Christianity by which our own happy country has been so pre-eminently influenced—which would attend such an attempt to colonise New Zealand, as that alluded to in your letter to Lord Glenelg.' FitzRoy to Coates, 11th Dec. 1837. C.O. 209/3.

³ C.O. 209/3.

Zealand missionaries were. Since the earliest days, when a fair proportion of them were drawn from the artisan classes of Great Britain,¹ the quality of the missionary body had been steadily improving, until in 1849 Governor Grey could give them the following striking testimonial:

.... And it may be reasonably doubted whether at any period of the world there has existed in one country, amongst so large a number of men who had devoted themselves to the holy calling of a missionary, so many persons who were eminently qualified by piety, ability and zeal to discharge the functions of the office upon which they had entered.²

There were, of course, as Grey's testimonial indicates, certain exceptions to the rule of 'piety, ability and zeal'. Unfortunately, too, they were chiefly to be found in the ranks of the servants of the Church Missionary Society, who alone were interested in constructing a native policy for the Government. Chief Protector Clarke, as we have seen, was not a shining light among the members of his profession. That gentleman, as well as some of his brethren, caused their parent society in England, and Governor Grey in New Zealand, much trouble by their insistence on their claims to considerable tracts of land.³ There was also a danger that the members of the Church Missionary Society might use their position of vantage with the Government, not so much for furthering the interests of the natives as for calumniating their 'brethren' of the Wesleyan and Roman Catholic persuasions.⁴ But there were

¹ See above, pp. 86-8.

² Governor Grey to Earl Grey, 9th July, 1849. *P.P.* 1850, xxxvii. p. 808.

³ See, in the returns prepared in the Colonial Land and Emigration Office (dated 8th April and 11th June, 1845), the large claims preferred by the missionaries H. Williams, R. Taylor, J. Kemp, S. H. Ford, G. Clarke, J. King and J. Shepherd. *P.P.* 1845, xxxiii. p. 463. The Rev. H. Williams especially was a source of infinite trouble. Into the merits of his dispute with Governor Grey, in which he certainly had the best of matters, we need not enter here. In Nov. 1840 the Committee of Correspondence of the C.M.S. declared his connection with the Society dissolved because he had refused to resign his land grants above the maximum of 2,500 acres. Earl Grey to Governor Grey, 30th March, 1850. *P.P.* 1850, xxxvii. p. 1121. Some years later he was reinstated at the special request of the Governor and the Bishop of New Zealand.

⁴ Even that excellent man, the Rev. O. Hadfield, showed no friendly spirit towards the rival missionary societies. Of the 'popish priests'

other and graver dangers. In the first place, the characteristics of the missionary and the statesman are but rarely found in combination. Secondly, New Zealand missionaries were notoriously not adepts at the Maori language,¹ and, therefore, found the greatest difficulty in entering into the native mind. Finally, whenever the interests of the natives and the whites seemed to clash, the missionaries were naturally found on the side of the former.

A special department, called the 'Protectorate Department', was created to carry out the native policy of the Government. That department constituted, as we have seen, a kind of *imperium in imperio*. The correspondence of its members did not pass through the hands of their superior officers in the districts where they were stationed, but went directly to the Chief Protector at Auckland, who in his turn forwarded it to the Governor.² In 1843 the department consisted of five members, a Chief Protector stationed at Auckland, and four Sub-Protectors stationed at various points on the North Island.³ Clarke considered that his department, which cost the colony £2,481 annually,⁴ was completely understaffed.⁵ It certainly did not seem to get much work done. The chief duties of its

he wrote that they were very active 'disseminating damnable heresies', and of the Weslevans that they were 'scattering far and wide their specious errors, and admitting among their members by a kind of *mock baptism* any ignorant individual who will consent simply to join their party'. Hadfield to Coates, 11th Oct. 1839. C.M.S. Archives. New Zealand Papers, No. 48. In 1844 FitzRoy, following the Rev. H. Williams, accused 'popish priests' of stirring up trouble among the natives in the North. (FitzRoy to Stanley, 16th Sept. 1844. C.O. 209/28.) Governor Grey stigmatised these accusations as unfounded. Grey to Stanley, 2nd June, 1846. *P.P.* 1847, xxxviii. [837], p. 3.

¹ As late as 1847 the Rev. O. Hadfield wrote that mission work in New Zealand had suffered much through the missionaries' insufficient knowledge of the native language. The Rev. Mr. Maunsell, he continued, came first in the knowledge of Maori, after him, 'though at some distance', the Rev. W. Williams, 'and after him nobody'. Hadfield to H. Venn, 8th March, 1847. C.M.S. Archives. New Zealand Papers, No. 48.

² Governor Grey to Stanley, 10th May, 1846. C.O. 209/43.

³ Shortland to Stanley, 30th Oct. 1843 (Encl. 1). *P.P.* 1844, xiii. p. 629.

⁴ See a note by Gairdner, of the Colonial Office (dated 23rd June, 1843) on Hobson's and Shortland's estimates for 1842. C.O. 209/16.

⁵ Shortland to Stanley, 30th Oct. 1843 (Encl. 1). *P.P.* 1844, xiii. p. 629.

members consisted in sending home accounts of the condition of the natives in their districts and in trying to keep the peace between hostile tribes. For a time the Government also employed them to buy land from the natives, whilst later, after FitzRoy's 'penny an acre' proclamation, they were employed for that purpose by private individuals, and sometimes, according to Governor Grey, received presents from the latter for their services.¹

The Protectorate Department was profoundly distrusted by the colonists. This was small wonder, since the 'Protectors' hardly ever had a good word to say for them. Clarke and his assistants were suspected of instilling into the minds of the natives suspicions as to the white man's intentions, and even of inciting the former against the latter. Some of the Chief Protector's letters certainly lend colour to that suspicion. In the correspondence which he maintained with the Lay Secretary of the Church Missionary Society, even after his acceptance of a position in the Colonial Government, there is a letter which very clearly reveals his feelings towards his fellow-colonists.² After telling Coates that 'our Governor is a very nice intelligent man with, I hope, the best of feelings towards the natives,' he proceeds to refer as follows to a certain survey which the officers of the New Zealand Company had tried to carry out: 'I am happy to tell you that the natives themselves have stopped the survey'. As to the alleged defencelessness of the white settlements, he continued, there was not the slightest need for concern on that point. The people that really needed protection were the natives: a thousand soldiers were required to keep, not the natives, but the whites in order.³ Another opinion held by Clarke was that there was 'more excellence' in the Maoris than in the bulk of his countrymen.⁴ And yet the behaviour of the colonists continued exemplary throughout a difficult and trying period. Years after the date at which Clarke's opinions were written the Bishop of New Zealand, who was certainly not biased in favour of the whites, wrote

¹ Governor Grey to Earl Grey, 15th Nov. 1847. *P.P.* 1847-8, xliii. p. 395.

² G. Clarke to Coates, 9th June, 1841. C.O. 209/17. ³ *Ibid.*

⁴ Gipps to Russell, 7th March, 1841 (Encl.). *P.P.* 1842, xxviii. p. 393.

that he did not know of a single instance in which a colonist had wilfully wronged a native.

The 'Protectors' were not very successful in their attempts to keep the peace between the tribes or to stop such practices as cannibalism by means of their 'moral influence'. Although the majority of the Maori people had embraced Christianity by the year 1840, the silken bonds of the new religion failed to restrain them once their warlike passions were excited. And where the missionaries failed, the 'Protectors,' who were much less trusted, could not expect to succeed. Towards the end of the year 1842 a particularly bad case of cannibalism on the western coast of the North Island so horrified the Government that for once it departed from its 'moral influence' policy, and sent forty soldiers to attack the perpetrators of the crime. But the natives denied the right of the Government to interfere in a purely Maori quarrel, a peace was patched up, and the cannibals escaped unscathed.¹ In another instance the interference of the Protector of Aborigines actually caused a minor native war. The Ngapuhi, the tribe of the famous Hongi, had sold to Europeans some lands which they had taken in war from Nopera, the chief of the Rarawa tribe. After the Treaty of Waitangi, Nopera lodged a claim for those lands before the Protector of Aborigines. The latter, with culpable ignorance of native practice, recognised the claim, bought the lands so claimed from Nopera, and interdicted all and sundry from 'building, cutting timber, or trespassing thereon'. Porirua, the chief of the Ngapuhi, stood out in defence of the right of those to whom he had sold the lands, and in the 'war' that resulted between him and Nopera fifteen natives lost their lives and much property was destroyed.² Having burnt its fingers thus badly by spasmodic and unsystematic interference, the Protectorate Department adopted the only possible policy under the circumstances, that of *laissez faire*. At the Colonial Office they were not entirely satisfied with this policy. They recognised that for the moment it was perhaps advisable,

¹ Shortland to Stanley, 31st Dec. 1842. *P.P.* 1844, xiii. p. 744; Shortland to Stanley, 22nd April, 1843 (Encl.). *C.O.* 209/20; Shortland to Stanley, 15th June, 1843 (Encl.). *P.P.* 1844, xiii. p. 409.

² See J. Busby, *Our Colonial Empire and the Case of New Zealand* (London, 1866), pp. 117-121, which gives most of the documents relating to the above case.

'but', wrote the Parliamentary Under-Secretary, 'I believe the original plan on settling the islands to have been to put an end to them [*i.e.* native wars] at once and, of course except upon a strong case being made out for the impossibility of carrying it into effect, it should not be abandoned'.¹

Nor was the Protectorate Department more successful in other directions. The chief object of its creation had been, in Lord John Russell's words, to promote 'the health, civilisation, education and spiritual care of the natives'.² When Grey arrived in New Zealand, however, he found that 'no establishments have been formed for the protection of life, property or commerce, or for the collection of revenue'.³ There were no hospitals; the 'Department' had not even thought of framing an education policy. The little that had been done in the way of establishing civilising institutions was due to the unaided efforts of the missionaries. Bishop Selwyn voiced the feelings of the whole of the colony when he pronounced the 'Protectorate' system a failure.⁴

It is time to say a few words regarding the effect of the 'moral influence' policy on the relations between the Government and the colonists on the one side and the Maoris on the other. Such a policy could only have succeeded if the natives had from the outset been made to understand that, in case persuasion failed, the Government held stronger measures in reserve. There can be no questioning the fact that when Hobson assumed the government of New Zealand, the 'mana' of the white man was great with the Maori tribes. Five years of vacillation and weak-kneed yielding dissipated most of this prestige. It is true that, as we have already pointed out,⁵ some of the blame for this result has to be borne by the Home Government, who refused to furnish Hobson with troops. But whatever Hobson might have been able to accomplish with

¹ *Memorandum*, 12th May, 1843. C.O. 209/16.

² See above, p. 256, note 5.

³ Governor Grey to Stanley, 12th May, 1846. *P.P.* 1847, xxxviii. [763], p. 13.

⁴ In a letter to FitzRoy he accused the department of having done nothing positive for the natives. Selwyn to FitzRoy, Nov. 1845. C.O. 209/49.

⁵ See above, pp. 226-8.

troops to support his authority, it is only too certain that no number of army corps could have inspired respect for a Government administered by a man of FitzRoy's character and opinions. In any case both Governors were at liberty to organise militias in the different settlements—as Governor Grey did afterwards—in order to support their authority, and both neglected to do so. The tale of vacillation is too long to relate *in extenso*, though a few salient examples may be given. In 1842 Hobson paid the chief Te-Whero-Whero £250 in satisfaction of an imaginary claim to the lands bought by the Company's agents from the Taranaki natives, and thus in effect bought off a threatened inroad into that district.¹ FitzRoy continued the 'policy' of non-resistance. His instructions to the Superintendent of the newly created Southern Division of New Zealand regarding the attitude he should take up toward the natives were timidity itself.² Even were the Maoris to refuse to vacate land validly purchased by the colonists, ran one passage, the Superintendent will have to think twice before enforcing the law of trespass, since 'greater evils might [thereby] be brought on the colony generally than would be the consequence of submitting temporarily to actual injustice done to individuals'. When the despatch enclosing these instructions reached the Colonial Office, Lord Stanley was constrained to admit that 'the leaning here displayed is unduly in favour of the natives'.³ The remarkable 'Native Exemption Ordinance' which was passed on 16th July, 1844, greatly increased this 'leaning'. Three of its provisions deserve special mention. One clause said that, if a native should commit an offence against the person of a European, the wrongdoer could not be arrested except by two chiefs of his own tribe. Another had the effect of allowing native offenders, except in cases of rape and murder, to go at large until their trial. Another provided that no native was ever to be arrested in civil suits, which meant, in the words of the Secretary of State, that, if he had no property, he might with impunity defy the process of court.⁴

¹ Hobson to H.M. Principal Secretary of State for the Colonies, 12th March, 1842. C.O. 209/14.

² FitzRoy to Stanley, 4th June, 1844 (Encl.). *P.P.* 1845, xxxiii. p. 93.

³ *Memorandum*, 11th June, 1845. C.O. 209/28.

⁴ Stanley to Governor Grey, 13th Aug. 1845. *P.P.* 1846, xxx. p. 230.

These measures naturally exasperated the colonists, while they brought the Government into disrepute with the natives. A few months before the passing of the Native Exemption Ordinance, Te-Whero-Whero, the greatest chief in the northern part of the North Island, had formed the idea of impressing the Europeans with his 'rangatiratanga'.¹ In return for a complimentary feast given to his tribe the year before he gave a great feast at Remuera, a place situated three miles from Auckland, to which the Governor and the inhabitants of Auckland were invited. FitzRoy was duly impressed and wrote home a glowing description of the celebrations. He seems to have been specially struck by the awe-inspiring war-dances of the Waikato.² Henceforth the policy of non-resistance tended more and more to become one of fear and trembling. As Stanley put it in a despatch to Governor Grey, 'The course pursued by Captain FitzRoy was not such as to impress on the tribes respect for our power or resolution: and his policy on matters of the highest public importance has since been guided by an avowed dread of the resentment and insurrection of the New Zealanders, if he had persisted in a line of policy respecting lands and revenue unacceptable to them'.³ The measures that Stanley had in mind, namely, the 'penny an acre' proclamation and the repeal of the customs duties, did not, however, satisfy the insurrectionary natives now that they had taken the measure of the Government's weakness. The chief Heke had already raised the standard of rebellion in the North by cutting down the flagstaff at Kororareka.⁴ For this offence FitzRoy outlawed him and put a price upon his head. Heke retaliated by putting a price on FitzRoy's head. The latter summoned reinforcements from Sydney, but when they arrived proved too timid to make use of them. Instead he accepted the mediation of some of the loyal chiefs, and made peace with his unrepentant foe after the chiefs of Heke's neighbourhood had made 'atonement' for him 'by giving up the number of guns and

¹ FitzRoy translated this term 'station and quality as a gentleman'. It may also be rendered 'power as a chief'.

² FitzRoy to Stanley, 25th May, 1844. *P.P.* 1845, xxxiii. p. 82.

³ Stanley to Governor Grey, 13th June, 1845. *P.P.* 1846, xxx. p. 224.

⁴ FitzRoy to Stanley, 20th Aug. 1844 (Encl. 2). *P.P.* 1845, xxxiii. p. 163.

tomahawks ' which FitzRoy demanded! ¹ The troops were sent back to Sydney without having accomplished anything. And so within a few months Heke had committed a worse offence than merely cutting down the flagstaff, and war had broken out once more.

FitzRoy waged the war in his characteristically irresolute manner and brought the settlements in the North to the verge of destruction. Now at length even some of the missionaries began to appreciate the baneful results of the policy they had been advocating.² The Rev. O. Hadfield, perhaps the most far-sighted of them all, expressed the view that the natives had at all costs to be impressed with the power of the Government.³ Governor Grey arrived in the nick of time to accomplish that object. With his advent the theory that the natives should ' be overcome by moral influence ' ⁴ was buried, at least for the time being, while he proceeded to overcome them by force of arms. He rightly believed that the first lesson the natives had to learn was to fear the Government. The time of half-measures was at length past. The Maoris were soon taught, and long remembered the lesson, that when the Governor struck, he struck hard. They also learnt that he could be lenient to those who surrendered themselves into his hands. From the rebel chiefs he demanded unconditional surrender. After their surrender he forgot about the offence. In particular he wisely refrained from carrying out FitzRoy's threat to deprive them of their lands.⁵

Grey brought peace back to New Zealand, but even Grey could not repair all the mischief that had been wrought. The

¹ FitzRoy to Stanley, 20th Aug. 1844 (Encl. 7). *P.P.* 1845, xxxiii. p. 169.

² In 1845 the Bishop of New Zealand, though he professed still to be a believer in the ' moral influence ' policy, expressed the opinion that the land question should be finally decided by a competent authority, ' backed by a sufficient force '. Selwyn to FitzRoy, Nov. 1845. *C.O.* 209/49.

³ FitzRoy to Stanley, 24th Feb. 1845 (Encl. 1). *P.P.* 1846, xxx. p. 165.

⁴ As Clarke had phrased the policy as late as the middle of 1845, when a large part of the North was ablaze. Clarke to the Colonial Secretary of New Zealand, 1st July, 1845. *P.P.* 1846, xxx.

⁵ Governor Grey to Stanley, 22nd Jan. 1846. *P.P.* 1846, xxx. p. 388.

white man never regained his prestige, and the Maori did not forget that the Queen's soldiers had more than once yielded before him. Who knows but had a strong and wise policy been pursued from the beginning New Zealand might have been spared the disastrous wars of the sixties?

Now for the first time there emerges in New Zealand a definite native policy: what we have so far designated under that name was rather a tissue of amiable sentiments acted upon at random. And here it may be noted that, although Grey repudiated the missionary doctrine of moral influence issuing in non-resistance, he was at one with them in their optimistic view of the native aptitude for European civilisation. If his policy can be described by one word, that word is 'Europeanisation'. Few people understood the Maoris better than Grey, and yet there always remained at the back of his mind a certain impatience, very characteristic of a certain type of Liberal, with their 'barbarous' institutions. His generous idealism made him overlook the difficulties, which of late years we have come to appreciate, of weaning a whole race from the customs of their ancestors and substituting a new series of institutions in their stead. What has often proved possible for individuals, has proved well-nigh impossible for the race.

Grey had already in South Australia experimented with the policy which he now came to execute in New Zealand. On 4th June, 1840, in a despatch to Lord John Russell, he had outlined that policy.¹ He had insisted that the policy so far pursued in Australia of allowing the natives to retain their barbarous customs, provided they did not interfere with the Europeans, was wrong. The natives should be taught that they were British subjects, and be made to obey British laws even in their dealings with one another. In order further to better their conditions, they were to be taught to work for white employers, and their children to be educated.² Such a policy was probably the only possible one in the case of the Australian aborigines, whose tribal organisation, rudimentary as it had been, had all but disappeared. But it failed to prevent their extinction. In New Zealand tribal organisation was still comparatively effective when Grey arrived, and

¹ Russell to Hobson, 9th Dec. 1840 (Encl. 5). *P.P.* 1841, xvii. p. 539.

² *Ibid.*

native customs were not all 'barbarous'. There was thus a choice of policies, and Grey's policy has to be judged by its results.

His first step was to clear the ground of the encumbrances of the previous 'system'. He repealed the pernicious 'Native Exemption Ordinance'.¹ More important still, he abolished the Protectorate Department, which he characterised as 'utterly useless'.² No longer were native affairs to be administered by an office separate from the general Government. In the Protector's stead he appointed a Native Secretary. He was to have no establishment of his own, all native correspondence passing through the executive officer at each out-station.³

Grey gave the following account of his policy :

The measures that have been recently carried out for the advancement of the natives are prohibiting the sale of arms and gunpowder, and the repair of arms ;⁴ prohibiting the sale of spirituous liquors ; the enactment of an Ordinance which provides the means of educating a large and constantly increasing number of native children ; the providing a tolerably efficient means of medical assistance in the most populous native districts ; the employment of a native constabulary force, thus acquainting them with our laws ; the enactment of laws for the adjustment of all disputes between natives and Europeans ; the employment of natives upon public works where they are trained in various kinds of skilled labour, and in the use of European tools and implements ; and the providing of employment generally for from 1200 to 1400 natives on the various public works.⁵

Some of these measures deserve further elaboration. In framing a scheme for the education of the Maori youth, Grey

¹ Governor Grey to Gladstone, 27th Nov. 1846. *P.P.* 1847, xxxviii. [837], p. 85.

² Governor Grey to Earl Grey, 4th Feb. 1847. *P.P.* 1847, xxxviii. [837], p. 92.

³ *Ibid.*

⁴ In spite of the ordinance there were still in 1848 in the possession of certain Northern natives occupying 'a portion of coast-line only seventy miles in length' the following war-like stores : 116 casks of gunpowder and three muskets for every two men. Governor Grey to Earl Grey, 25th March, 1848. *P.P.* 1849, xxxv. p. 103.

⁵ Governor Grey to Earl Grey, 17th March, 1848. *P.P.* 1847-8, xliii. p. 481.

wisely determined to build on the foundations laid by the missionaries. He described the educational machinery of the Church, Wesleyan and Roman Catholic missionaries as admirable, but suggested that much effort had been wasted because of a lack of centralisation.¹ He laid it down that in future the Government would support from the public funds those schools in which a religious education, industrial training and instruction in English formed a necessary part of the curriculum.² Fifteen months later he decided to grant land to these institutions, that they might support themselves, and the natives be taught improved methods of agriculture. At any time within ten years they might purchase the lands so granted on payment of twenty shillings per acre.³ Another development was the establishment of industrial boarding schools. In 1850 there were no less than seven of these schools, containing altogether 450 scholars, in the vicinity of Auckland.⁴ The second important civilising measure was the founding of hospitals where whites and natives should be treated on equal terms; for Grey still held to the idea that the amalgamation of the two races was possible. By the end of 1849 four hospitals had been built, at Wellington, Auckland, New Plymouth and Wanganui respectively. The first was substantially built of brick 'plastered with Roman cement outside';⁵ the others were of wood.⁶ At Auckland, during the year 1848, 534 native patients received medical treatment, and of those 158 were in-door patients.⁷ Grey found another means of civilising the

¹ Governor Grey to Earl Grey, 9th Dec. 1847. *P.P.* 1847-8, xliii. p. 426.

² *Ibid.*

³ Governor Grey to Earl Grey, 22nd March, 1849. *P.P.* 1850, xxxvii. p. 772.

⁴ Governor Grey to Newcastle, 10th June, 1853. *P.P.* 1854, xlv. p. 278. Grey was very proud of these boarding schools. He recommended the system for adoption in South Africa.

⁵ Governor Grey to Earl Grey, 6th March, 1848. *P.P.* 1847-8, xliii. p. 448.

⁶ According to the local surgeon the New Plymouth Hospital was 'substantially and tastefully built, in the Anglo-Gothic style, of rimu or red pine'. It could accommodate twelve patients. Governor Grey to Earl Grey, 24th Jan. 1850 (Encl.). *P.P.* 1850, xxxvii. p. 1081.

⁷ Governor Grey to Earl Grey, 10th March, 1849. *P.P.* 1850, xxxvii. p. 730.

natives in their flair for military operations. Towards the middle of 1849 he entered into an agreement with nine chiefs of Te-Whero-Whero's tribe 'in which provision is made for themselves and seventy-two families of their followers' to occupy certain Government lands in the vicinity of one of Pensioners' villages. The heads of the families were each to occupy six acres, rent-free, and to serve, armed at their own expense, under the officer of the Pensioners, whenever called out for drill or military service by the Government. After seven years they were to obtain an absolute right to their plots.¹ In the sphere of justice Grey's most important measure was the

ordinance to provide for the establishment of Resident Magistrates' Courts, and to make special provision for the administration of justice in certain cases.

It proceeded on the assumption that natives preferred summary justice to the lengthy proceedings of an ordinary court. In the towns ordinary magistrates were still to adjudicate on native suits in the ordinary way. But beyond them special officers, called Resident Magistrates, were to exercise summary jurisdiction, without the assistance of a jury, in cases up to £10, though in suits involving sums of from £20 to £100 they were to be assisted by one or more Justices of the Peace.² After the passage of a little over twelve months Grey wrote home enthusiastically about the success of the measure. Over two hundred cases had been tried under it in the Resident Magistrate's Court at Auckland, and Maoris had recovered £490 in damages from Europeans.³ The last reference in the despatch of 17th March, 1848, had been to the employment of natives on public works. In December, 1847, the Royal Engineer Department at Auckland was employing over one hundred

¹ Governor Grey to Earl Grey, 22nd June, 1849. *P.P.* 1850, xxxvii. p. 877.

² Governor Grey to Gladstone, 14th Nov. 1846. *P.P.* 1847, xxxviii. [837], p. 79.

³ The details were as follows: Maoris only concerned—Civil cases, 2; criminal cases, 3. Maoris and Europeans concerned—Civil cases, 120; criminal cases, 86. Grand total, 211. Governor Grey to Earl Grey, 15th Dec. 1847. *P.P.* 1847-8, xliii. p. 433.

Maoris of twenty-one different tribes.¹ At Wellington they were at the same time being employed on the construction of the important military roads. During the year ended July, 1847, no less than three hundred and fifty natives were thus employed. They felled twenty miles of dense forest and made seven miles of bridle roads, earning altogether £3,274.²

Another lever which the Governor sought to employ for the uplifting of the native race was his personal prestige with their chiefs. From the outset he had set himself to impress his personality upon them. We have already noted how he travelled among the Maoris, and held intercourse with them in their own language. Observers remarked on the great courtesy with which he used to treat the chiefs. At the ceremony of his investiture with the Order of the Bath in 1848 he chose two of them, Walker Nene and Te Puni, to be his esquires.³ For Walker Nene, who had loyally supported the Government throughout the war in the North, he obtained a life pension.⁴ Other chiefs received small salaries for keeping the peace among their tribes. He issued loans to the tribes, especially those on the east coast of the North Island, whose advances in agriculture had been rapid, to enable them to buy boats and ship their surplus produce to Auckland.⁵ He even supplied them with tools and agricultural implements.⁶ There can be no doubt that this policy, contemptuously described by his enemies as the 'sugar and flour' policy, won for Grey the affection of the tribes. No white man has ever surpassed him in their estimation. In 1852 he was able to report that some of the southern chiefs were building three roads in the vicinity of Manawatu, and had transferred the chieftainship over those roads to him. Among them was Rangiaecata, the rebel of

¹ Governor Grey to Earl Grey, 14th Dec. 1847. *P.P.* 1847-8, xliii. p. 429.

² Governor Grey to Earl Grey, 31st July, 1847 (Encl. 1). *P.P.* 1847-8, xliii. p. 349.

³ A. S. Thomson, *op. cit.* vol. ii. p. 148.

⁴ Governor Grey to Earl Grey, 10th March, 1848. *P.P.* 1847-8, lxiii. p. 469.

⁵ Governor Grey to Earl Grey, 22nd March, 1849. *P.P.* 1850, xxxvii, p. 766.

⁶ Governor Grey to Earl Grey, 18th June, 1849. *P.P.* 1850, xxxvii, p. 872.

1846 and one of the perpetrators of the Wairau massacre, who, as Grey remarked, clearly realised that his strength lay in the impassable swamps and mountains of his country.¹ Towards the close of his reign, indeed, Grey occupied among the Maoris a position akin to that of the Paramount Chief of more highly organised native races. As the letters which the natives loved to address to Government House testify, they had boundless confidence in their friend, 'the Governor', and through him, in his mistress, the Queen. 'This year', wrote two influential chiefs² in a letter to Her Majesty accompanying a present of flour grown by themselves and ground at their own mills,

we commence to plough the ground. We have for a long time been desirous of this, but we are a poor people, and the majority of our pigs had been disposed of to pay for the mill, which was the reason that we did not buy a plough; but now the Governor has generously given us one, which has greatly rejoiced us, and we will persevere in ploughing the land. We have finished a water-mill, and paid for it entirely ourselves; we paid the white man who built it £200, which we obtained by the sale of pigs and flax, £20 being for flax and £180 for pigs; the common labour we did ourselves, namely, building the dam, etc. etc. . . . We were a year in collecting the requisite amount of money.³

Another native appealed to the Governor in the following words:

Friend, friend, assist us; give us a plough, to produce food for us, that we may have nourishment whilst attending the school.⁴

'Friend, the Governor', wrote Ngati Kereru,

we have taken an oath—a great oath, for each of the laws, because we are a tribe that have no friends. We are like the owl in a solitary place. . . . Friend, we are grieved because you have not come to see us. We shall die before you come. Oakurua, one of

¹ Governor Grey to Pakington, 22nd October, 1852. *P.P.* 1854, xlv. p. 190.

² They bore the hybrid names of King George te Waru and John Baptist Kahawai.

³ Governor Grey to Earl Grey, 18th June, 1849 (Encl. 1). *P.P.* 1850, xxxvii. p. 873. The letter, says Governor Grey, was written entirely by a native. The translator seems to have sacrificed the picturesque directness and simplicity which generally characterise Maori writing.

⁴ Governor Grey to Earl Grey, 1st Dec. 1849 (Encl. 1). *P.P.* 1850, xxxviii. p. 1076.

our number, has died already ; therefore we are so anxious to see you. Come quickly in this month, in this present year, and give us the flag for Tuhou Rangi. . . . Write back to us.¹

The last letter which we shall cite was addressed to the Queen by the principal chiefs of the Ngatiraukawa and Ngatiawa tribes, old Rauparaha heading the list of signatories. Having recited that they looked upon the Governor as their father, they concluded as follows :

We therefore ask you (will you not consent to our request) to leave Governor Grey always here, a Governor for us and for New Zealand, because we are well disposed towards this Governor. If you should send him away to some other country, you will cause us, who love him so much, great grief.²

And yet the Maori problem was still very far from solution when Grey left New Zealand in 1853. He had, if the truth must be told, done no more than touch its fringes. The change which had taken place among the Maoris had been due chiefly to the influence of the Governor's magnetic personality, and Grey had represented the change as much greater than it really was. In one respect his ascendancy over the Maori mind was a positive danger. It accustomed them to the idea of a Paramount Chief and of themselves as one people ; and thus indirectly ministered to that feeling of nationality which is latent in every race. When the Great Chief was sent to another country, he left a void in Maoriland which the institutions he had attempted to set up were wholly unable to fill. And so the Maoris (helped, no doubt, by the Old Testament teaching of the missionaries) found it not such a great step from King George to the Maori King. As for Grey's institutions, they affected merely those of the Maoris who lived on the outskirts of the white settlements. In the rest of the country things continued very much in the old style. The missionaries still exercised the chief influence, but the missionaries refused to meddle in governmental matters. Inter-tribal wars went on as before. Only a very few cases were brought before the few Resident Magistrates who were sent into the Maori country, and their decisions, if a Maori was the

¹ *Ibid.* Enclosure 2.

² Governor Grey to Earl Grey, 22nd March, 1849 (Encl. 2). *P.P.* 1850, xxxvii. p. 770.

losing party, could not be enforced. The staff of trained administrators that was required for a Europeanising policy, which to be effective had to be thorough, was entirely lacking.¹ When Grey returned to New Zealand in 1861 he put the blame for the dangerous situation that confronted him on his successors who, he alleged, had done nothing with the institutions he had provided.² But it is always easier to create institutions than to make them effective. To do that would have cost the colony more money than it could well afford. And so it may be questioned whether Grey's native policy had been the best under the circumstances. He certainly could not plead ignorance of the other possible policy, that of uplifting the natives by building on the institutions he found existing in Maoriland. Even Lord Stanley had hinted, in 1842, that it might be a good thing to recognise certain Maori institutions, like the 'tapu', in the legal system of the colony.³ Earl Grey, who was completely emancipated from missionary influence, had gone much further, and in the Royal Instructions accompanying the Constitutional Act of 1846 had directed the Government to proclaim native districts, where native usages and laws should be maintained and native chiefs be appointed by the Government to carry them into execution.⁴ Grey deliberately disregarded these instructions. His Resident Magistrates Ordinance ran directly counter to them, and, when Earl Grey drew his attention to the fact, the Governor prayed him rather to alter his instructions than repeal the ordinance.⁵ It was, he wrote, the pivot of his native policy. He had decided, continued the Governor, to recognise no native customs or laws whatever, because of the danger of a mixed system of law growing up

¹ On this portion of the subject see J. E. Gorst, *The Maori King*, (London, 1864), chaps. iii. and iv. Gorst was Civil Commissioner of the Waikato for eighteen months from 1861.

² Governor Grey to Newcastle, 6th Dec. 1861. *P.P.* 1862, xxxvii. p. 995.

³ *Memorandum*, 23rd Aug. 1842. C.O. 209/14.

⁴ Earl Grey to Governor Grey, 23rd Dec. 1846. *P.P.* 1847, xxxviii. [763], p. 64.

⁵ Governor Grey to Earl Grey, 15th Dec. 1847. *P.P.* 1847-8, xliii. p. 433.

and retarding the civilisation of the Maoris.¹ The redoubtable Governor won his point, and no native districts were proclaimed. The results can only be described as disastrous. Henceforth the disintegration of those institutions which had more or less held the tribes together proceeded at an increased speed. That disintegration had started from the time the first missionary set foot in New Zealand. It had been accentuated under the *régime* of the Protectorate Department. 'The influence of the older chiefs is impaired', wrote FitzRoy in October 1844; 'some of the young aspiring chiefs are desirous of making a name for themselves, and, having nothing to do, wish for war. They deride and oppose the old men and the Christian natives'.² The Bishop of New Zealand was saddened by the same phenomenon: 'The natives are a rope of sand—you cannot hold them. The chiefs have lost their power, and the young men escape from all control'.³ In 1848 Governor Grey transmitted to the Colonial Office a letter from a Waikato chief, named Ngapora,

pointing out the evils which are resulting from the constant weakening of the authority of the chiefs which is taking place without any equivalent efficient power for the punishment of crime and the repression of disorder being substituted in lieu of that which the chiefs formerly exercised for those purposes.⁴

This criticism exposes the whole weakness of the policies which had so far been pursued in New Zealand. It had proved comparatively easy to destroy 'the old barbarous customs of tapu, and all the superstitious reverence for priests and chiefs, which had supplied the place of law and government'.⁵ It was much

¹ *Ibid.*

² FitzRoy to Stanley, 10th Oct. 1844. *P.P.* 1845, xxxiii. p. 269.

³ FitzRoy to Stanley, 24th Feb. 1845. *P.P.* 1846, xxx. p. 164.

⁴ Governor Grey to Earl Grey, 3rd April, 1848. *P.P.* 1849, xxxv. p. 106. Ngapora wrote, *inter alia*, as follows: 'The slaves now look upon themselves as equals with the fathers, the chiefs, which has caused us to be very angry.' Grey's subordinates encouraged that tendency to 'equality'. Captain Russell, in his report on the progress of the military roads at Wellington, dated 1st Jan. 1848, wrote that he recognised no class distinctions, but only good and bad workmen. He notes with satisfaction that the influence of the chiefs was growing smaller. Governor Grey to Earl Grey, 4th March, 1848 (Encl.). *P.P.* 1847-8, xliii. p. 455.

⁵ J. E. Gorst, *op. cit.* p. 62.

more difficult to acclimatise among the Maoris the European institutions which had to take their place. The institutions provided by the Resident Magistrates Ordinance as a substitute for the decayed authority of the chiefs were too foreign to the ideas of the Maoris to be of much use, and the policy of paying Maori chiefs to administer European law failed dismally: not only were their decisions a travesty of justice, but their position with their tribesmen was probably further compromised by their new and incomprehensible rôle.¹

Thus, in spite of many excellent intentions and some measure of solid achievement, the native policy inaugurated by Governor Grey must be judged in the long run to have failed. It did not avert that war of races which it set out to circumvent. Whether any other policy would have met with greater success, or whether, when a civilised race colonises a country inhabited by aborigines, a conflict must sooner or later take place, it is, of course, impossible to say. On the other hand, but few native administrators have been more immediately successful than Grey. When he arrived in New Zealand he found many tribes in open revolt. When he left, he was universally hailed as the father of the Maori people.² To conquer for themselves a place in the affection of a whole race is surely an achievement which it is given to few men to accomplish.

§ 3. *Land Policy*

Our survey in this section will be concerned with the land policy of the New Zealand Government as such, and will, therefore, deal exclusively with the Northern District of the North Island, which alone was affected by it. In a previous chapter³ we have already explained the policy adopted in the

¹ *Ibid.* pp. 45-46.

² Farewell addresses that were obviously sincere and not, like those sent to FitzRoy on the occasion of his departure, inspired by the Government, flowed in from all parts of the North Island. But the Ngatitōa and Ngatiraukawa tribes were not satisfied with merely verbal expressions of affection. Their chiefs presented him with the most valuable objects they possessed, the heirlooms of their respective tribes, which tradition said had been brought to New Zealand from their ancestral home across the seas. Governor Grey to Newcastle, 26th Sept. 1853. *P.P.* 1854, xlv. p. 312.

³ Chap. iv.

Southern District, which, as has been shown,¹ was colonised in general conformity with Wakefield's ideas. In the North the Wakefield System was never applied. Lord John Russell had, indeed, envisaged its adoption in the Royal Instructions of 1840 which provided for a high price and the application of a portion of the Land Fund to the service of emigration,² while Stanley's important Australian Waste Lands Act,³ which was made also to apply to New Zealand, for the first time accorded Parliamentary sanction to Wakefield's most valuable principles. The Act laid it down that colonial waste lands were to be sold by auction at a minimum upset price of one pound per acre, and that the proceeds, after the deduction of certain primary charges, were to be divided into two equal parts, of which one was to be devoted to emigration. Although this Act was nominally in force from 1842 to 1846, it remained in fact a dead letter. The Emigration Fund was habitually raided in order to cover the general expenses of government. Only two shiploads of assisted emigrants were sent to the North. The awards of the Land Commissioners and FitzRoy's disastrous land policy soon rendered the very expectation of a Land Fund a thing beyond practical politics: in fact, at the end of the Crown Colony *régime* it was found that the Government had suffered a dead loss on its land transactions.

The first Governor of New Zealand did not find a *tabula rasa* whereon he might write the land regulations most suitable to a new colony. He was hampered by the all-important fact that the land did not, as in the case of the other Australasian colonies, belong to the Crown. In the part of New Zealand with which we are at present concerned there were two classes of claimants to its ownership. The first was the Maoris, and the second those Europeans who had bought land from them before the proclamation of the Queen's sovereignty. It is with the solution of these complications that the land administrators were concerned during the Crown Colony period.

The first question which had to be settled was how much of the land actually belonged to the Maoris. That question turned on the correct interpretation of the Treaty of Waitangi.

¹ *Ibid.*

² Russell to Hobson, 9th Dec. 1840. *P.P.* 1841, xvii. p. 526.

³ 5 and 6 Vic. c. 36.

It has been pointed out in an earlier chapter¹ that the intention of the framers was to guarantee to the natives a right of ownership in the whole of the soil of New Zealand. But that view was not adopted by the authorities without a struggle. In New Zealand the friends of the natives were generally powerful enough to make their version of the Treaty prevail, although no less a person than Governor Grey asserted as late as 1848 that there were, even in the North Island, large tracts of country which did not belong to any tribe.² In England, however, a determined attempt was made to persuade the Home Government to issue instructions restricting the natives to the lands actually occupied by them. The attempt succeeded in 1846, when Earl Grey, who had been the chairman of that Committee of the Commons³ which in 1844 had reported adversely on the large claims made for the Maoris by their missionary friends, came to the Colonial Office. On 23rd December he transmitted to Governor Grey an important series of instructions as an accompaniment to a new charter for the government of New Zealand.⁴ It was absurd, he wrote, to look upon the natives as proprietors of the whole territory of New Zealand, and quoted with approval Dr. Arnold's opinion that among primitive peoples labour alone could confer a right of property in land. From that dictum he drew the conclusion that the only property the natives possessed in New Zealand was their potato grounds, though he admitted that allowance should be made for the native practice of shifting their cultivations.⁵ He instructed the Governor to fix a date before which all landed property, whether claimed by whites or natives, should be registered, and to appoint a land court to decide on the validity of the registrations: no native claim to land was to be admitted by the court, unless it was established that such a claim had been acknowledged either by the Executive Government of New Zealand or by the adjudication of some court of competent jurisdiction within the colony.⁶ These instructions caused consternation in New Zealand. The Governor at once wrote

¹ Chap. v.

² Governor Grey to Earl Grey, 15th May, 1848. *P.P.* 1849, xxxv. p. 110.

³ See above p. 185. ⁴ *P.P.* 1847, xxxviii. [763], p. 64. ⁵ *Ibid.*

⁶ *Ibid.*

that a registration of native lands was not practicable.¹ The Bishop² and the Chief Justice³ of New Zealand protested strongly against a policy that involved wholesale confiscation. Their protest was supported by the whole of the missionary body in New Zealand⁴ and by the parent societies in England.⁵ Governor Grey, by professing to believe that the Secretary of State's instructions had been misunderstood in the colony,⁶ managed to evade their undoubted implications. When Earl Grey heard of the stir his instructions had caused, he was glad to avail himself of the loophole of escape afforded him by the Governor, though he could not make good his retreat without some rather disingenuous quibbling.⁷ Henceforth the policy of 'confiscation' was not again heard of in official circles until the time of the Maori Wars. When the Government wanted land for colonisation they paid for it in money or merchandise.⁸

Nevertheless, the title of the Maoris to their lands was not absolute; for the second section of the second clause of the

¹ Governor Grey to Earl Grey, 15th May, 1848. *P.P.* 1849, xxxv. p. 110.

² Governor Grey to Earl Grey, 7th July, 1847 (Encl.). *P.P.* 1847-8, xliii. p. 340.

³ He wrote a pamphlet condemning the instructions as contrary to the Treaty of Waitangi. Governor Grey to Earl Grey, 23rd Aug. 1848. *P.P.* 1849, xxxv. p. 124.

⁴ Governor Grey to Earl Grey, 9th March, 1848 (Encl.). *P.P.* 1847-8, xliii. p. 457.

⁵ Earl Grey to Governor Grey, 3rd May, 1848 (Encl. 1). *P.P.* 1847-8, xliii. p. 522.

⁶ Governor Grey to Earl Grey, 9th March, 1848. *P.P.* 1847-8, xliii. p. 457.

⁷ He had hardly even mentioned the 'so-called' Treaty of Waitangi in his instructions. Seventeen months later an assurance was obtained from him that Her Majesty's Government fully recognised the Treaty. To further extricate himself from the charge of wishing to confiscate native lands he went so far as to assert that the Treaty was an act of the Executive Government, whereas, of course, it was by the Treaty that the Executive Government had been established. Earl Grey to Governor Grey, 3rd May, 1848 (Encl. 2). *P.P.* 1847-8, xliii. p. 532.

⁸ Between 1st Jan. 1853 and 30th June, 1855, the Government spent more than £100,000 in the purchase of native lands. Report of a Committee appointed by the House of Representatives to consider the State and Management of the Public Finances. C.O. 211/6.

Treaty of Waitangi forbade them to sell land to any purchaser save the Government. That section had been inserted with a view to a sound administration of the waste lands of the colony. But as it was in the interests of the Maoris to insist on a literal interpretation of the first section of the clause, so they would benefit, at least temporarily, by an evasion of the second. And here also their missionary friends came to their aid ; while the northern colonists, who thought it in their interest to be able to buy land cheaply, likewise found themselves on the side of the Maoris.

So much for the complication introduced by the native title. The second complication was caused by the land claims of Europeans. Prompt action was taken to solve this difficulty. On 14th January, 1840, Governor Gipps issued a proclamation declaring all purchases henceforth made directly from the Maoris invalid.¹ Shortly afterwards his Council passed an ordinance summoning all claimants who had purchased in New Zealand before the date of Gipps's proclamation to submit their claims for confirmation by Land Commissioners,² since, according to the instructions of 14th August, 1839,³ no land titles that did not proceed from Her Majesty could be recognised. This ordinance was repealed by an ordinance of the Legislative Council of New Zealand,⁴ which, however, contained regulations similar to those of the repealed ordinance. Commissioners were to be appointed who were to award lands varying in amount as the amount of purchase money, at a rate per acre decreasing as the length of time since the purchase increased.⁵ No grant of more than 2,560 acres was to be made, save by special authorisation of the Governor and the Legislative Council.⁶ This ordinance remained in force from 9th June, 1841, till 25th February, 1842, when another ⁷ was substituted for it, abolishing the 2,560 acres maximum and awarding land at the rate of an acre per five shillings of purchase

¹ Gipps to Russell, 9th Feb. 1840 (Encl.). *P.P.* 1840, xxxiii. p. 576.

² Gipps to Russell, 16th Aug. 1840. *P.P.* 1841, xvii. p. 557.

³ Normanby to Hobson 14th Aug. 1839. *P.P.* 1840, xxxiii. p. 623.

⁴ Session i. No. ii.

⁵ The rate per acre varied from eight shillings to sixpence. *Ibid.*

⁶ *Ibid.*

⁷ Session ii. No. xiv.

money.¹ Awards were made according to the second ordinance until 6th September, 1843, when notice of its disallowance was received and the first came again into force.² Altogether by the year 1844 about 500 claims had been decided according to the above ordinances.³

Then came FitzRoy. He destroyed the work of his predecessors, and plunged land administration in the North into utter chaos. For not only did he re-open many of the cases involving 'old land claims' which had already been adjudicated upon, but, what was infinitely worse, he sinned in the face of all colonial experience by agreeing to the contravention of the second article of the Treaty of Waitangi. We shall deal with these two points in order.

With reference to the first point, he appointed a new Commissioner who greatly increased many of the awards of his predecessors.⁴ Most of the new grants were highly irregular.⁵ In some cases, reported a Committee of the New Zealand House of Representatives, an amount 'was granted much greater than had ever been claimed or than could have been awarded under the liberal rates of purchase established by the first ordinance'.⁶

The grants are full of defects ; such as recitals entirely the reverse of the facts, stating for instance that the quantities of land conveyed were those awarded by a Commissioner, while in fact the grants conveyed double or treble the quantities ; or that recommendations had been made, while in fact the claims had never been heard by a Commissioner.

Altogether 400 of these grants were prepared and 350 issued, of which only 42 were valid.⁷ Claimants could not obtain possession of some of the lands thus granted, either because they belonged to Maoris or for some other reason, and FitzRoy was compelled to issue compensation scrip to the value of £97,840.⁸ But not thus was the question to be settled.

¹ This ordinance was admittedly passed under the influence of the Agreement of November, 1840, between Lord Russell and the New Zealand Company.

² V. and P. Session iv. vol. ii. D, No. 21.

³ *Ibid.*

⁴ Governor Grey to Gladstone, 23rd June, 1846. *P.P.* 1847, xxxviii. [837], p. 32.

⁵ *Ibid.* ⁶ V. and P. Session iv. vol. ii. D, No. 21. ⁷ *Ibid.* ⁸ *Ibid.*

Governor Grey tried to bring back order into land administration by denying the validity of FitzRoy's 'extension' grants.¹ But they were upheld by a decision of the Supreme Court.² He then introduced a 'Quieting Titles Ordinance',³ declaring these grants valid subject to certain conditions, of which the most important were that no grant should convey an amount of land more than one-sixth in excess of the amount originally granted by the Commissioners, and that, where the native title had not been extinguished, the grantees should bear the cost of its extinction. The ordinance, however, was ineffective, since less than twenty of the 'old grantees' availed themselves of its provisions.⁴ At the conclusion of the Crown Colony *régime* the problem was as far from solution as ever. In the year 1856, according to the Committee of the House of Representatives, whose *Report* we have just cited, the case stood as follows: 'The whole amount the grants declare grantees entitled to may amount to 200,000 acres; but the grantees considering themselves entitled to the whole amount described by the boundaries in the grants, claim at least 300,000. . . . The grants are often bought and sold, repurchasers still preferring their claims'. Some of the grantees, they continue, are in possession of the lands granted to them, but much of the land claimed is not occupied. Some of the lands have been resumed or are being disputed by the natives; others have become Crown lands.

Some of the claimants, whose claims have been disallowed by the Commissioners, are still urging them; the limit of 2,560 acres is a ground of dissatisfaction with others; some have taken grants for what they could get, but under protest; and some, about fifty, have not yet taken out the grants prepared for them, which are still lying in the office after a lapse of ten or twelve years.⁵

We come to the second point. The substance of FitzRoy's blunders under this head may be found in two proclamations

¹ Governor Grey to Gladstone, 23rd June, 1846. *P.P.* 1847, xxxviii. [837], p. 32.

² Governor Grey to Earl Grey, 24th July, 1849. *P.P.* 1850, xxxvii. p. 967. This decision was reversed on appeal to the Privy Council. V. and P. Session iv. vol. ii. D, No. 21.

³ Session No. x. No. iv. ⁴ V. and P. Session iv. vol. ii. D, No. 21.

⁵ *Ibid.*

dated respectively 26th March¹ and 10th October, 1844,² and known as the 'ten shillings an acre' and 'penny an acre' proclamations. Both these proclamations, unfortunately, received the assent of the Colonial Office, though Stanley protested against the second.³ The first proclamation was obviously but a halfway house, and only 1,795 acres were bought under it.⁴ It was the 'penny an acre' proclamation that wrought the mischief. The gist of it was that the Crown should waive its right of pre-emption 'over certain limited portions of land in New Zealand', and that such lands might be bought directly from the natives on the payment of a nominal fee of one penny per acre.⁵ Certain stringent regulations were laid down to guard against such abuses as the engrossing of lands by speculators, but they were systematically evaded, sometimes with the consent of Government officials. One of Governor Grey's first actions in New Zealand was to repeal the 'penny an acre' proclamation. But irreparable damage had already been done, since almost 100,000 acres had been purchased under it, and the Governor was constrained by his instructions⁶ to recognise the purchases provided they had been validly made.⁷ He first tried to extricate himself from the difficulty of putting purchasers in possession of their large claims by an ordinance⁸ enabling him to grant compensation

¹ FitzRoy to Stanley, 15th April, 1844 (Encl. P.). *P.P.* 1845, xxxiii. p. 57.

² FitzRoy to Stanley, 14th Oct. 1844. *P.P.* 1845, xxxiii. p. 258.

³ *Memorandum* by Stephen, 13th Jan. 1846. C.O. 200/44. Earl Grey was of opinion that Stanley should have disallowed both proclamations the moment he received them. *Memorandum*, 10th Jan. 1846. C.O. 209/44.

⁴ FitzRoy to Stanley, 14th Oct. 1844. *P.P.* 1845, xxxiii. p. 258.

⁵ Governor Grey to Stanley, 9th June, 1846. *P.P.* 1847, xxxviii. [837], p. 7.

⁶ Earl Grey to Governor Grey, 10th Feb. 1847. *P.P.* 1847, xxxviii. [837], p. 30.

⁷ The Governor, however, was in a strong position as regards the 'penny an acre' claimants, since he had obtained a judgment from the Supreme Court 'that the waiver of the Crown's right of pre-emption was illegal and void'. Governor Grey to Earl Grey, 5th July, 1847. *P.P.* 1847-8, xliii. p. 322.

⁸ Session vii. No. xxii.

to those who voluntarily gave up lands they had not yet occupied, and to authorise those who had cultivated and built on the lands they claimed to buy them at the rate of ten shillings per acre.¹ Most of the claimants, however, held out for more favourable terms. On 10th August, 1847, the Governor published new conditions according to which claimants might receive grants up to 500 acres on payment of five shillings per acre.² They now had three courses open to them: They might abide by Earl Grey's instructions of 10th February, 1847, according to which they were entitled to the full amount of their purchase provided the conditions of FitzRoy's proclamation had been literally fulfilled; or they might take compensation under Ordinance VII. No. XXII.; or they might avail themselves of the conditions of 10th August, 1847.³ It would appear that all who put their trust in Earl Grey's instructions were disappointed; for of the 189 claims (affecting 90,000 acres) 53 were settled by the payment of five shillings an acre, 21 were resigned on the receipt of compensation, or debentures, or money, and the rest were disallowed.⁴ But the settlement thus effected was only apparent; when New Zealand received an Assembly and a Responsible Ministry, it was found that the question of the disallowed claims had to be reconsidered.⁵

It might be asked why so much space has been devoted to the consideration of land regulations that involved, at the most, only 400,000 acres. To such a query the reply is that those acres were an all-important consideration in a community which in 1850 numbered only between 7,000 and 8,000 souls. Nor must it be thought that all the evils inflicted upon the Northern District by the extension of the 'old land claims' and by the 'penny an acre' claims were removed when the able Commissioner of the General Assembly finally adjudicated upon them during the years following 1856.⁶ These evils hung like a millstone round the neck of Government throughout the provincial period. Whereas Otago and Canterbury realised

¹ *Ibid.*

² Governor Grey to Earl Grey, 4th Dec. 1847 (Encl. 2). *P.P.* 1847-8, xliii. p. 424.

³ *Ibid.*

⁴ V. and P. Session iv, vol. ii. No. 21.

⁵ *Ibid.*

⁶ F. Dillon-Bell. See his Memorandum on the 'Land Claims Settlement Extension Bill'. A. to J. 1858. C. No. 2.

large sums from the sale of lands, the province of Auckland was unable to raise a Land Fund at all adequate for its needs. In 1866 a colonisation scheme adopted by its Provincial Council actually broke down for lack of funds.

The 'high price' system nominally remained in force at Auckland until 1853, when Governor Grey issued new regulations which were made applicable to the whole of New Zealand with the exception of the lands reserved for the Otago and Canterbury Associations. These regulations sounded the death knell of the Wakefield System in New Zealand, since they provided that rural lands outside of 'Hundreds' were henceforth to be sold at ten shillings per acre.¹ In 1856 Canterbury was the only province that charged more than ten shillings for its lands.

§ 4. *The Evolution of a Constitution*

The first constitution granted to New Zealand, as has been shown in the first section of this chapter,² was that of a typical Crown Colony. It remained in force until March, 1848, when it was superseded by the first of Governor Grey's constitutions. Throughout the Crown Colony period, which lasted from 1840 to 1853, there were visible, as far as constitutional matters were concerned, two main tendencies, both of which reached their consummation in the constitution of 1852. The first was the growing desire for popular institutions; the second was the growing realisation of the necessity of dividing New Zealand into separate governmental districts, with a central Government over all. The process commenced in July, 1843, when a Chief Police Magistrate was appointed for the Southern (or Company's) District. In January, 1844, this portion of New Zealand became a separate Supreme Court district, and in July of the same year a Superintendent was appointed to administer its government, though his authority was strictly subordinated to that of the Governor at Auckland.³ So matters remained until 1848, when Governor Grey for the first time divided New Zealand into 'provinces'.

¹ Governor Grey to Pakington, 25th April, 1853 (Encl.). *P.P.* 1854, xlv. p. 253.

² See above, pp. 229-30.

³ FitzRoy to Stanley, 4th June, 1844 (Encl.). *P.P.* 1845, xxxiii. p. 93.

While everyone recognised that geographical considerations demanded the establishment of subordinate 'governments', there was acute difference of opinion as to the form those governments should take. The extremists on the one side held that municipalities on the English model, though enjoying more comprehensive powers, would answer all the needs of the several settlements; those on the other side argued for separate states with a loose federal constitution to bind them together. Between these extremes there were many varying shades of opinion. From the very beginning Secretaries of State had advocated the introduction into the colony of municipal institutions, in order that the colonists might be gradually prepared for the responsibilities of full self-government.¹ But until 1851 all attempts to carry the instructions on this subject into effect had failed. In 1842 Hobson passed a Municipal Corporations Ordinance,² but it was disallowed for reasons which seem strangely inadequate,³ and the Corporation which had been elected under its provisions at Wellington came to an untimely end.⁴ In July, 1844, a second Municipal Corporations Ordinance was passed:⁵ it received the Royal assent, subject to certain alterations,⁶ but since it had been expressly provided that the ordinance should not come into operation until its confirmation had been notified in the *Government Gazette*, and since the notification was never published, it remained in abeyance, until it was superseded by the municipal provisions of Earl Grey's constitution of 1846.⁷ The first municipality to be established under these provisions was that of Auckland, which received

¹ See Russell to Hobson, 17th April, 1841. C.O. 2097; also Stanley to Governor Grey, 29th Nov. 1845. *P.P.* 1846, xxix. p. 82; also Gladstone to Governor Grey, 31st Jan. 1846. *P.P.* 1846, xxix. p. 85.

² Session ii. No. vi.

³ It was disallowed because it gave to the Corporations the Crown's exclusive power of erecting beacons and lights; and vested in them certain waste lands within the limits of the borough. *N.Z. Government Gazette*, 6th Sept. 1843. A better mode of procedure would have been to have assented to the ordinance subject to the necessary alterations.

⁴ *Ordinances of New Zealand*, Appendix, p. xxx.

⁵ Session iii. No. xii.

⁶ Stanley to Governor Grey, 29th Nov. 1845. *P.P.* 1846, xxix. p. 82.

⁷ The Suspending Act of 1847 left the municipal provisions of the 1846 Act intact.

its charter in 1851.¹ But in New Zealand, as in Canada and Australia, the difficulties of acclimatising municipal institutions proved very great. The people simply refused to tax themselves for municipal purposes, though the Municipal Corporation was quite prepared to spend funds derived from some external source. After languishing for a few years the Auckland Corporation died a natural death. After its demise nothing was heard of municipalities for some time, since the Provincial Governments which had now been established seemed capable of supplying all local needs.

In 1846 the first attempt was made to give New Zealand a popular constitution. Its author was Earl Grey, who had just come to the Colonial Office, and was no doubt anxious to give some proof of the 'reforming' faith that was in him. The precipitate introduction of the measure was due in part to the threat of the New Zealand Company to resign its charters, unless the Government of New Zealand was placed on a better footing.² But even the New Zealand Company was not prepared for Earl Grey's Bill; what it had advocated was the passing of a measure authorising the Crown to alter the present constitution of New Zealand by means of Orders in Council which would be framed with careful deliberation during the recess.³ Instead of this, the Act,⁴ which was rushed through both Houses with hardly any discussion, entered into great detail. It was a model of logical construction; but having been framed without consultation of the people on the spot, and hence without reference to reality, it had not much chance of success. The 'paper constitution', as it came to be called, if it did nothing else, certainly justified its author's reputation as a doctrinaire in politics. It was artificial and complicated to a degree. Grey asserted that it was built on American models,⁵ though his pyramidal structure reminds one rather of the French Constitution of 1791. At the base of the pyramid

¹ Governor Grey to Earl Grey, 4th Aug. 1851 (Encl. 2). *P.P.* 1852, xxxv. p. 36.

² *Twenty-first Report*, p. 5.

³ Harington to Grey, 8th Aug. 1846. C.O. 209/48.

⁴ 9 and 10 Vict. c. 103.

⁵ Earl Grey to Governor Grey, 23rd Dec. 1846. *P.P.* 1847, xxxviii. [763], p. 64.

were the boroughs, which were to be established in the districts settled by Europeans and administered by Common Councils elected on a household suffrage. These Councils were to elect members to the Third Estate (or House of Representatives) of the two Provincial Legislatures, the other two 'estates' being a nominated Legislative Council and a Governor. Over all there was to be a General Assembly for the whole of New Zealand, composed, like the Provincial Legislatures, of three estates: the Third Estate was to be elected by the Provincial Houses of Representatives, and the second selected from the Provincial Legislative Councils. At the head of the administration there was to be a Governor-in-Chief.¹

Governor Grey proved his fitness for his responsible position by refusing to carry this constitution into effect.² Though he admitted that its extremely democratic nature had come as a surprise to him, his chief objection to the measure was that by its insistence on all voters being able to read English it would accomplish the complete disfranchisement of the Maoris, and 'give to a small fraction of His Majesty's subjects of one race the power of governing the large majority of her subjects of a different race'.³ The Maoris, he continued, were jealous and suspicious, and would never sit down under what they considered a slight.⁴ In subsequent despatches he urged the necessity of his being allowed time completely to pacify the natives and settle the land troubles in the North before free institutions were introduced. Earl Grey proved amenable to advice, and by the end of the year 1847 a Bill⁵ was introduced into Parliament suspending the constitutional clauses of the Act of 1846 for five years and re-establishing the Legislative Council of 1840. The Council was empowered to constitute two subordinate Provincial Legislative Councils to take the place of the Provincial Legislatures of the constitution of 1846. The establishment of a specifically provincial system in New Zealand was the one permanent result of the Act of 1846. For on the receipt of the despatch informing him of the suspension of that Act, Governor Grey carried an ordinance⁶ dividing New Zealand into the two provinces of New Ulster and New

¹ *Ibid.*

² Governor Grey to Earl Grey, 3rd May, 1847. *P.P.* 1847-8, xliii. p. 300.

³ *Ibid.*

⁴ *Ibid.*

⁵ 11 Vict. c. 5.

⁶ Session ix. No. 1.

Munster and instituting a Provincial Council in each of the provinces. Each Council was to consist of not less than nine members, all of whom were to be nominated by the Governor. The old Council was to play the part of a General Assembly. These Councils never came into full working order. That for New Munster held two sessions, a preliminary session in December, 1848, and a business session from 1st May to 28th June, 1849. The Provincial Council of New Ulster was never even constituted. In August, 1849, a General Legislative Council, without the New Munster members, was summoned to do its work.¹ Similarly, the Colonial Secretary, the Colonial Treasurer, and the Attorney-General were appointed to the corresponding provincial offices, and thus New Ulster can hardly be said to have had a separate provincial organisation. The Provincial Councils' Ordinance of 1851² was designed by the Governor to be a further step on the road to full self government. Two-thirds of the members of the Provincial Councils of New Ulster and New Munster were henceforth to be popularly elected. A civil list was to be reserved for native purposes. Neither of the Councils established by this ordinance ever met, though elections actually took place in New Ulster.

The Governor received scant thanks from the colonists for his constitutional reforms. They had imbibed the ideas of the founder of their colony and nothing save full self-government would satisfy them.³ They argued that having lived under

¹ Governor Grey to Earl Grey, 30th Aug. 1849. *P.P.* 1850, xxxvii. p. 998.

² Session xi. No. 6.

³ On 15th Nov. 1850, at a public meeting of the Wellington Settlers' Constitutional Association, which was called together for the purpose of protesting against 'the constitutional measure which Sir George Grey is understood to be about to offer to the colonists', J. R. Godley, who had come to New Zealand to prepare for the reception of the first Canterbury colonists, spoke, *inter alia*, as follows: 'But never forget that the end we aim at is the power of self-government. . . . To give us representative institutions without full powers is worse than a mockery and a delusion: it is a careful and deliberate provision for keeping the machine of government at a perpetual deadlock; or, if that be avoided through the weakness of the Assembly, for constituting a political debating club of the worst kind, and investing it with the dignity and the claims of a National Legislature.' The speech was enthusiastically received by the meeting. J. E. FitzGerald, *Writings and Speeches of J. R. Godley*, pp. 65, 68.

free institutions in England they should not be subjected to a despotic or semi-despotic government in New Zealand, and regarded Governor Grey's 'educative' measures as unnecessary and preposterous. Agitation began with the year 1847, when the last of the Maori revolts had been quelled, and continued without interruption until the passage of the Constitutional Act of 1852.

The times were propitious for the gratification of the desire of the colonists. Canada was conquering a position on the road to full autonomy that could not long be denied to the other colonies. In England Lord Durham's Report, aided by the propaganda of the Colonial Reformers, was convincing the politicians of the necessity of yielding to the demand for free institutions that was now becoming universal. The meaning of the term 'free institutions' received an extended application, when in 1848, on the advice of the Earl of Elgin, Earl Grey recognised the principle of Responsible Government with regard to Canada. Colonial reform, in fact, was in the air, and the Russell Government pledged to it. The period of Grey's administration of the Colonial Office deserves to be known as the 'Period of Colonial Constitutions',¹ for during his tenure new

¹ At the beginning of 1850 *Punch* published the following skit on this phase of colonial policy under the title of

'GOOD MEASURES FOR THE COLONIES.'

'With little Bulls John Bull is blest,
'Tis time that they were rightly drest;
Russell and Co. will undertake
The requisite costume to make.
With needful measures duly squared,
To meet all wants, they're quite prepared.
Suits they provide for every age
Of growth according to the stage,
Adapted to each size and shape.
Yes; from Australia to the Cape,
Jamaica, Canada, Ceylon,
Russell invites to try them on;
Easy they're warranted to sit,
Full freedom to combine with fit,
And elegance with what must be
Resistless—strict economy
In which all other firms compete
In vain with Russell's, Downing Street.'

Vol. xviii. p. 77.

constitutions were framed for the Australian colonies, New Zealand and the Cape Colony. If Stephen's opinions¹ can be taken as an index of those of his colleagues, the permanent officials of the Colonial Office were as much in favour of free constitutions as was its political head. The only question which remained to be considered was the best time for the introduction of these constitutions into the respective colonies. And thus the work of the advocates of self-government for New Zealand resolved itself into worrying the Colonial Office to produce the measure it was known to have in contemplation and getting some of its details altered in accordance with the known wishes of the colonists.

For when it became known that Earl Grey's constitution had been suspended, the southern colonists organised themselves so as to accelerate the march towards the inevitable goal and make their wishes felt in the construction of the constitution. At Wellington there was formed a strong Settlers' Constitutional Association, which entered into correspondence with the Colonial Reform Society in England.² In the North, however, the settlers remained comparatively quiet. It is, indeed, an open question whether the majority there wanted self-government at all. The influence of the South would be sure to predominate in any Assembly elected on a popular basis, and the Northern settlers thus stood in grave danger of

¹ If the 'Mr. Mother-Country' whose portrait is drawn for us by Buller and Wakefield was indeed meant to represent Stephen, as is generally alleged, the caricature is very far removed from the truth. For Stephen was no unenlightened bureaucrat, addicted to red-tape; neither was he a narrow conservative, clinging desperately to the *status quo*. He had a mind capable of forming wide conceptions, and he preached the true liberal view of British colonial policy. As early as 1843 we find him recommending that a popular assembly should be convened in New Zealand (*Memorandum*, dated 28th Jan. 1843. C.O. 209/25). He was ever ready to trust the innate political sense of colonists of British extraction. He looked with favour on the growth of Responsible Government in Canada. His progressive views brought him into frequent collision with the Crown lawyers, the Treasury and the Board of Trade.

See an interesting article by Paul Knaplund on 'Sir James Stephen and British North American Problems,' 1840-7, in the *Canadian Historical Review*, vol. v, No. 1.

² Governor Grey to Earl Grey, 23rd Dec. 1850 (Encl. 1). *P.P.* 1851, xxxv. p. 643.

seeing the capital of New Zealand, with all that it implied of profitable Government expenditure, removed to the South. In strong contrast to the coldness of Auckland was the zeal of Nelson. Since 1846 its inhabitants had evinced a remarkable interest in politics.¹ They had held numerous meetings and signed various memorials. Their agitation culminated on 27th December, 1850, in the greatest public meeting yet assembled in the settlement.² The ground had been carefully prepared by means of various small gatherings held throughout the settlement, at which the views of the colonists were freely expressed. The meeting, which lasted 'from noon till an hour after midnight', passed resolutions which showed that they held advanced views on constitutional questions. They advocated the removability of the Governor on an address of two-thirds of the members of each House of the Legislature, biennial parliaments, vote by ballot and universal suffrage.³ The views of the Settlers' Constitutional Association at Wellington were not less advanced. On the subject of colonial autonomy it held 'that by the term self-government is to be understood the absolute control of the internal affairs of the colony, without any interference whatsoever on the part of the Imperial Government, either by means of a veto on local legislation reserved to the Home Government, or by the power of initiating or regulating such legislation by royal or ministerial instructions. To this end it was essential to provide for the responsibility of the Executive by making their offices dependent on their retaining the confidence of the colonists.'⁴ In the South the newly arrived Otago and Canterbury colonists were as enthusiastic in the cause of full self-government as their Cook's Strait brethren.⁵

It must be confessed that the 'struggle' of the Southern colonists for free institutions was somewhat unreal. The chief difference between them and Governor Grey was, as the latter

¹ Governor Grey to Earl Grey, 29th Jan. 1851 (Encl. 2). *P.P.* 1851, xxxv. p. 677.

² *Ibid.*

³ *Ibid.*

⁴ Governor Grey to Earl Grey, 12th Feb. 1851 (Encl. 2). *P.P.* 1851, xxxv. p. 725.

⁵ See reports of public meetings held at Lyttleton and Christchurch on 14th August in the *Lyttleton Times* of 16th and 23rd August, 1851.

put it in February, 1849, that, while they wanted representative institutions immediately, he wished to postpone them for three or four years in order to balance the budget (which it would be far easier for him than for a popular assembly to do), complete his military roads, and 'amalgamate the interests' of the native and European populations.¹ That surely was not 'trifling with and trampling upon the best feelings of a whole community', as the Constitutional Association had it.² The truth was, wrote the Governor in another despatch, that he had the interests of the Empire to guard, while the Association was merely bent on the immediate attainment of one single object.³ At the same time there was no doubt some truth in the latter's suspicion that the Governor wished to postpone the introduction of a free constitution until such time as he would have left New Zealand.⁴ Able administrators seldom like to take their orders from a popular assembly. Grey certainly took no orders from the colonists in the matter of the constitution. He worked out his own scheme with scant regard⁵ to their memorials and resolutions. He felt justified in thus taking his own line, for, as he was careful to point out to Earl Grey, the settlers were by no means unanimous in their views, even though those views were expressed in the most general terms. Important minorities at Wellington and Nelson⁶ con-

¹ Governor Grey to Earl Grey, 2nd Feb. 1849. *P.P.* 1850, xxxvii. p. 723.

² Governor Grey to Earl Grey, 24th Sept. 1849 (Encl.). *P.P.* 1850, xxxvii. p. 1001.

³ Governor Grey to Earl Grey, 24th Dec. 1850. *P.P.* 1851, xxxv. p. 647.

⁴ Governor Grey to Earl Grey, 25th Sept. 1849 (Encl. 2). *P.P.* 1850, xxxvii. p. 1015. When the Constitutional Act had been actually passed Governor Grey virtually refused to summon the General Assembly set up by it, although he remained in New Zealand a whole year after intelligence of its passage had been received in the colony.

⁵ The colonists' memorials may have had something to do with the fact that the Governor's draft constitution transmitted in Aug. 1851 was slightly more liberal than the sketch of Nov. 1848. Their agitation certainly hurried on the completion of his scheme.

⁶ A counter memorial, 'signed by a very large proportion of the persons who represent the wealth, real property and intelligence of Nelson', protested against the resolutions of 27th Dec. 1850. Governor Grey to Earl Grey, 5th Feb. 1851. *P.P.* 1851, xxxv. p. 691.

demned the resolutions of the majority as being too radical.¹ Even the crucial question whether the local unit should be a province or merely a municipality was in dispute.

Governor Grey developed his idea of a constitution for New Zealand in three despatches written in November 1848, March 1849 and August 1851 respectively. Of these the last was by far the most important, forming as it did the model on which the Act of 1852 was drawn up. Nevertheless Grey's claim to be regarded as the author of the New Zealand Constitution has not gone unchallenged. Wakefield wrote in 1852 :

For a long while before the meeting of Parliament the only people in England who cared seriously about the colony were busily engaged in framing the plan of a constitutional measure, with the intention of bringing it before Parliament in case the measure which we knew the Colonial Office was preparing should not give us satisfaction. The principal workmen at first were Mr. Fox, Mr. Weld, Mr. Henry Sewell, Lord Lyttleton and myself, and the first important stroke—the framing of a sketch or outline draft of a Bill—was done at Hams (Sir Charles Adderley's country seat). . . . In the course of our preparations the features of our scheme got talked about ; and to this I attribute some of the best provisions in the Bill which Lord Grey prepared.²

Adderley himself speaks of Wakefield's visit in 1850 as ' marked by our walks up and down the terrace at Hams concocting the New Zealand Constitution ', and in 1869 he asserted that ' the measure was based on a draft I drew up under the guidance of Gibbon Wakefield '.³ These large claims have to be discounted. New Zealand owes much to Wakefield and his circle, but she does not owe them her constitution. The utmost they can claim is that their agitation probably gave New Zealand a constitution one session earlier, and that their views tended to confirm its main lines as already laid down by Governor Grey in the despatch of 30th August, 1851.⁴

¹ Governor Grey to Earl Grey, 8th Feb. 1851. *P.P.* 1851, xxxv. p. 706.

² Wakefield to Godley, *Lyttleton Times*, 30th Oct. 1852.

³ W. S. Childe-Pemberton, *Life of Lord Norton* (London, 1909), pp. 91, 113.

⁴ Pakington handsomely recognised his debt to Governor Grey, to Earl Grey's draft constitution, and to the Colonial Reformers in his speech on the First Reading of the New Zealand Government Bill. *Hansard*, 3rd series, vol. cxxi. pp. 103-4.

The despatch,¹ which is one of the ablest the Governor ever wrote, commences, as is meet, with a description of the peculiar geographical conditions obtaining in the islands. These necessarily made for the isolation of whatever settlements might be established. Under the actual circumstances of settlement, the despatch continued, this isolation had been accentuated; for the 'colonies' had been established at different times, 'each upon a totally distinct plan of colonization', by persons coming direct from Britain or the Australian colonies. These facts determined the Governor's constitutional proposals, which he characterised as 'an attempt to adjust the English constitution and its balance of powers to the peculiar circumstances of this country'.² Their *leit-motif* is the exploitation of the provincial idea³ to the fullest extent compatible with the existence of a predominant Central Government. In other words, what Grey aimed at was to give his Provincial Legislatures the widest possible powers without precluding the General Legislature from absorbing additional powers as the potentialities of government from one centre increased. It was impossible, explained the Governor, to have a General Legislature that met frequently, while the distances separating the settlements were so great and their interests so divergent. That fact rendered Provincial Legislatures a necessity, for their alternative, namely, Municipalities, could only exist in conjunction with a General Legislature that met frequently. Municipalities, he contended, never attract the best men; they frame laws carelessly; and they sit so frequently that the town view only is represented and the interest of the public soon flags. The Governor may, therefore, be said to have built his constitution round the Provincial Legislatures.³ Below them were to be the Municipalities, which were to consist of three grades, Hundreds, Pastoral Districts, and Municipalities proper, the latter embracing several Hundreds. Above them was to be the General Legislature, consisting of a Governor-in-Chief appointed by the Crown, a Legislative Council elected by the

¹ *P.P.* 1852, xxxv. p. 40.

² *Ibid.*

³ Governor Grey remained a staunch advocate of the 'provincial idea'. In 1874 he emerged from the retirement in which he had been living near Auckland and placed himself at the head of the 'Provincialists' who were making their last stand against the 'centralists'. W. P. Reeves, *op. cit.* p. 329.

Provincial Councils on a system allowing for the representation of minorities (a relic of the Constitution of 1846), and a Representative Assembly elected on a very democratic suffrage.¹

Governor Grey's constitution underwent various changes before it finally passed on to the Statute Book as 15 and 16 Vict. cap. 72. It was first considered by Earl Grey. But Lord John Russell's Government fell before the Colonial Secretary could introduce a New Zealand Constitutional Bill into Parliament. On 23rd February, 1852, however, just before leaving the Colonial Office, he sent his constitutional proposals to the Governor in the shape of a draft despatch and the heads of a bill.² The measure therein outlined followed the Governor's scheme, except on two points. In both cases Grey's alterations were anti-democratic. He would have the Superintendents, who were to be the heads of the Provincial Executives, nominated by the Governor, instead of elected by a popular vote, as Governor Grey had proposed; and he would have provincial bills wait for the assent of the Secretary of State, instead of becoming law on receiving the assent of the Governor.³ To Earl Grey's office succeeded a Tory baronet, Sir John Pakington, who was described by *The Times* as an 'active Worcestershire magistrate'.⁴ The same journal considered that he 'would enter office with one great advantage over his predecessor—a thorough consciousness of his own ignorance', and advised him, rather condescendingly, to turn this ignorance to account by consulting with those who knew most about colonial questions, namely, the colonists and their friends.⁵ Pakington, whether he read *The Times* article or not, acted on the lines it suggested. His first impulse was to let the whole business stand over for another session, but at the earnest entreaty of

¹ *Ibid.* All Europeans being naturalised British subjects were to have the franchise, provided they possessed a freehold estate valued at £30 net, or a town tenement of the clear annual value of £10, or a country tenement of the clear annual value of £5. Maoris had to possess property of the clear value of £200 or to be in possession of a voting certificate granted by the Governor-in-Chief. (Governor Grey to Earl Grey, 29th Nov. 1848. *P.P.* 1850, xxxvii. p. 711.) The Act of 1852 raised the freehold qualification to £50 and abolished the distinction between European and Maori voters. 15 and 16 Vict. cap. 72, cl. vi.

² Earl Grey to Governor Grey, 23rd Feb. 1852 (Encls. 1 and 2). *P.P.* 1852, xxxv. p. 99.

³ *Ibid.*

⁴ 24th Feb. 1852.

⁵ 26th Feb. 1852.

'gentlemen connected with New Zealand' he decided to postpone the matter no longer. At the instance of these 'gentlemen', most of whom probably belonged to the influential Canterbury Association,¹ and as the result of the criticism made in Parliament by men like Gladstone² and Molesworth,³ various alterations were made in Earl Grey's draft measure. The office of Superintendent was again rendered elective,⁴ and the Governor's power of veto over provincial bills restored.⁵ Other alterations⁶ made Pakington's constitution more democratic even than that proposed by Governor Grey. Both the Governor and Earl Grey had proposed that two-thirds only of the members of the Provincial Councils should be elected, the rest being nominated by the Governor; the Act of 1852 created Provincial Councils composed wholly of elected members. It added a sixth province, New Plymouth,⁷ to the five, Auckland, Wellington, Nelson, Otago and Canterbury proposed by the Governor, and abolished his two Lieutenant-Governorships.⁸

¹ 'Canterbury had more influence in this country than all the other settlements in New Zealand put together.' Molesworth's speech in the Committee of the whole House (of Commons) on the N.Z. Government Bill. *Hansard*, 3rd series, vol. cxxii. p. 32.

² Gladstone's carefully prepared speech on the Second Reading of the N.Z. Government Bill was the most important contribution to the debates which took place in the Commons on its various stages. The first portion of the speech contains some pregnant remarks on the history of British colonial policy in general. See *Hansard*, 3rd series, vol. cxxi. pp. 952-60.

³ On one point, however, the critics of the Bill could not agree. Molesworth wanted Municipalities instead of Provincial Legislatures, Gladstone wanted State Legislatures on the American model, while Adderley took up a middle position. (*Ibid.* pp. 931-4; 961-2; 965-6; 940-1.) This clash of views well illustrates the differences which distracted the Colonial Reform Society. See *The Founders of Canterbury*, p. 156.

⁴ 15 and 16 Vict. cap. 72, cl. iv.

⁵ *Ibid.* cl. xxx.

⁶ Governor Grey's municipal provisions did not reappear in Pakington's Bill. The Governor was, however, authorised to create municipalities if he thought there was any need for them after the establishment of Provincial Councils. Pakington to Governor Grey, 16th July, 1852. *P.P.* 1854, xlv. p. 328.

⁷ 15 and 16 Vict. cap. 72, cl. ii.

⁸ Pakington to Governor Grey, 16th July, 1852. *P.P.* 1854, xlv. See also Pakington's speech on the First Reading. *Hansard*, 3rd series, vol. cxxi. pp. 102-119.

In only one instance was Pakington's constitution less democratic than that of his predecessor. In spite of the protest of Gladstone, Molesworth, Adderley, and other experts on colonial subjects, Pakington insisted on having a nominated body as the second chamber¹ of the General Legislature, on the ground that there existed in the British Empire no precedent for an elective legislative council.²

The New Zealand Government Bill received the Royal assent on 30th June, 1852. It embodied the most 'advanced' constitution that had as yet been conferred on any Australasian colony; for in the other colonies 'nomineeism' still flourished, though it was soon to be replaced by 'responsible' institutions. The Constitution of 1852 vested the control of the waste lands of the Crown in the Colonial Legislature,³ a completely new departure in colonial policy. For Lord Durham and E. G. Wakefield, in spite of their advanced views on colonial autonomy, had held that the waste lands of a British colony should be controlled from Downing Street in the interest of the Empire as a whole.⁴ Another important principle vindicated in the Act of 1852 was that the colonists should be given the power to alter their own constitution.⁵ The General Assembly of New Zealand was, in fact, empowered to legislate on all internal topics—with one grand exception:—The control of native policy was to be entirely in the hands of the Governor.⁶ The arrangement soon broke down in practice: for, as we have been discovering once again of late, this time in the sphere of foreign

¹ 15 and 16 Vict. cap. 72, cl. xxxiii.

² *Hansard*, 3rd series, vol. cxxii. pp. 17-22.

³ 15 and 16 Vict. cap. 72, cl. lxxii.

⁴ 'The plan which I have framed for the management of the public lands being intended to promote the common advantage of the colonies and the mother country, I therefore propose that the entire administration of it should be confided to an imperial authority.' (C. P. Lucas, *Lord Durham's Report*, Oxford, 1912, vol. ii. p. 327.) Wakefield held similar views, *Art of Colonization*, ch. xliii. But towards the end of 1849 he had changed his mind. 'I am sure', he wrote to the Hon. H. Petre on 20th September, 'after hoping to the contrary for twenty years, that we cannot get a good administration of the waste lands by Downing Street; and therefore I have finally joined those who would hand over to the colonies alone the entire administration of the waste lands.' *New Zealand Spectator*, 20th Feb. 1850.

⁵ 15 and 16 Vict. cap. 72, cl. lxxix.

⁶ *Ibid.* cl. lxxi-lxxiii.

relations, self-government is constantly striving after its own perfection. In New Zealand it soon became apparent that it was impossible to prevent the responsible ministers, who held the purse-strings, from interfering, albeit irresponsibly, in native affairs, and from 1863 they were administered as an ordinary department of the New Zealand Government.¹

It is important to note that the Constitution of 1852 did not formally inaugurate Responsible Government in New Zealand. It did not provide that the Governor should act on the advice of ministers enjoying the confidence of the Assembly, nor did it provide for the supersession of the chief executive officers of the Crown Colony Government. The result was that confusion reigned supreme in the First Assembly which met under the new constitution. The Acting Governor did rightly in refusing to reconstitute his Executive Council and replace the officials occupying the positions of Senior Military Officer in Command of the Troops, Colonial Secretary, Attorney-General, and Treasurer by the nominees of the Assembly.² The latter proceeded to overthrow various 'ministries' comprising the obnoxious official element.³ A deadlock resulted and the Assembly was prorogued.⁴ The matter was referred to the Secretary of State,⁵ who wrote in reply his famous despatch of 8th December, 1854, declaring that no further Imperial legislation was needed for the introduction of Responsible Government. All that was required was the payment of adequate pensions to those officials whose departments should be administered by responsible ministers.⁶ And thus, by the time the first Assembly met for its third session, Responsible Government had become a *fait accompli*.

The last point to which attention must be directed is the relation established between the Provincial and General Legislatures by

¹ Newcastle to Governor Grey, 20th Feb. 1863. *P.P.* 1863, xxxviii. p. 168.

² The Officer administering the Government to Newcastle, 9th June, 1854 (Encl. 2). *P.P.* 1854-5, xxxviii. pp. 560-2.

³ The Officer administering the Government to Newcastle, 10th Aug. 1854 (Encl. 1). *P.P.* 1854-5, xxxviii. pp. 568-9.

⁴ The Officer administering the Government to Newcastle, 17th Aug. 1854. *P.P.* 1854-5, xxxviii. pp. 580-1.

⁵ Sir George Grey to the Officer administering the Government, 8th Dec. 1854. *P.P.* 1854-5, xxxviii. pp. 597-8.

⁶ *Ibid.*

the Constitution of 1852. The powers¹ of the New Zealand Provincial Legislatures resembled those of the Provincial Legislatures in Canada as set up by the Constitution of 1867, and to a lesser degree those of the State Legislatures of the United States and Australia under their federal constitutions. But there was one vital point in which the New Zealand Constitution differed from the federal constitutions just mentioned, and in which it resembled the South African Constitution, although the New Zealand Provincial Legislatures had much more extensive powers than the South African. In New Zealand the powers of the Provincial Legislatures could be altered by a mere majority of the General Legislature; and thus, in the last resort, the Constitution of 1852 was unitary and not federal. That does not, of course, mean that Sir John Pakington was right in describing the Local Legislatures as primarily municipalities. It means that the position they occupied was a very precarious one, since their powers and their very existence were entirely at the mercy of the General Legislature. In the House of Commons, during the debates on the New Zealand Constitution, it had been foreshadowed that the provinces would either develop into separate States or the powers of their Legislatures be absorbed by the General Legislature. Although the Provincial Legislatures were the first in the field and celebrated the contingency by garnering a plentiful crop of legislation, and although there were times when the fortunes of the 'Provincialists' seemed in the ascendant, the central Government gradually tightened its control and, when the 'Centralists' and the 'Provincialists' organised themselves into antagonistic political parties, the fate of the provinces was sealed. Their abolition in 1875 does not, however, prove that the framers of the Constitution of 1852 were mistaken in their careful elaboration of provincial institutions. It merely proves either that these institutions had served their turn, or, what is more likely, that in the clash of extreme views, the moderate counsels of the advocates of a modified provincialism passed unheeded.

¹ Like the Australian States the Provincial Legislatures could legislate on all subjects not expressly reserved for the General Legislature. (15 and 16 Vict. cap. 72, cl. xlx.). But there was an important distinction: the New Zealand General Legislature exercised concurrent powers of legislation on all subjects and its laws automatically superseded those of a Provincial Legislature at variance with them. *Ibid.* cl. liii.

IX

THE LAST TWO COLONIES

§ I. *At Home*

THE year 1848, during the course of which the first body of Otago colonists arrived in their new home, saw a remarkable revival of interest in emigration. Once again the times were out of joint. There had been a revolution in Paris, and Chartism, its somewhat pallid reflection, was rife in England. The condition of the poorer classes, though it had appreciably improved since 1830, still caused a great deal of uneasiness, and the newspapers of the period contain many a harrowing description of the 'wretched overcrowding', not only in the ranks of the labouring class, but also in those of the higher professions.¹ Once again emigration appeared to be the heaven-sent panacea for these evils.² 'The public of this country', wrote the *Weekly Times* in an article entitled 'The Rage for Emigration',

are certainly alive to its advantages : the press, daily and weekly, from the all-powerful *Times* to the witty *Punch*, send forth article after article on 'this great question of the day'. Nothing goes down now but emigration ; the word is in everybody's mouth and uppermost in every person's mind. In passing along the

¹ See especially articles in *The Times* throughout the years 1847 to 1849.

² Throughout the year 1848 the *New Zealand Journal* extracted many articles on emigration from the columns of *The Times*, *Morning Chronicle*, *Morning Herald*, *Daily News*, and *Spectator*. On 9th September of that year it wrote : 'Amid the signs of the times it is impossible not to be struck with the important feature which emigration now forms in the metropolitan and provincial journals ; some even devote a weekly column to information gathered from the numerous books, guides, and brochures that swarm on the subject.'

streets we are struck with the number of placards announcing meetings on emigration. On entering a coffee shop, we take up a paper, and find a leader on emigration, or the report of a meeting on colonization. If you ask a friend how the time goes with him, he will say, 'Oh, very bad; I am thinking of emigrating;' and ask him where his brother James is, he will tell you he is gone to Australia; ask a mother of her daughter, her reply is, she is doing very well in New Zealand. . . . There is a positive emigration mania.¹

Many of Wakefield's ideas had by this time become common-places of the press. *The Times*, though it foresaw a time in the far future when the colonies would be independent,² had no doubt whatsoever about their present national importance.³ It had also arrived at the conception of the difference between emigration and colonisation:

Emigration is a fact, colonization is a duty. We are bound to superintend and protect the departure of myriads flying from calamity; but we ought to originate, urge, and undertake new colonies. A new colony is comparatively a slow, a delicate, and an expensive work, the chief fruit of which will be after our time, and which cannot now receive our teeming myriads in its infant bosom.⁴

It wrote of the importance, in colonisation, of transplanting the whole constitution, civil and religious, of the mother country to the new soil. This had been done in Greek, Portuguese, Spanish and French colonisation, but in England,

the warning of saints and sages was alike despised by our courts and a grovelling spirit of commercial monopoly presided at the birth of our 'plantations': The religious foundations, the creations of honour, and the other parts of our social system which had been devised and faintly attempted, were given up. . . . The 'plantations' increased in men and sank in taste, and, as they grew more powerful, became less like England.⁵

The new interest evinced by the press stood the Reformers in good stead, as they had for some years been experimenting

¹ Quoted by the *New Zealand Journal*, 9th Sept. 1848.

² 'But we cannot divest ourselves of the thought that Australasia will one day be the seat of a vast federal union, independent of this realm, possibly hostile to this nation, and exhibiting in the great southern archipelago a maritime variety of the American character and species,' 25th Jan. 1849.

³ 3rd July, 1848. ⁴ 16th Jan. 1849. ⁵ *The Times*, 3rd June, 1847.

with a new¹ idea in colonisation which up to 1848 had borne but little fruit. The idea was that of religious, or rather church, colonisation. Its authorship has been disputed, but there can be little doubt that the credit must be assigned to the much-contriving Wakefield, however much others might have laboured at its elaboration in the practical schemes which were subsequently published. The impulse which had planted colonies at Wellington, New Plymouth and Nelson was spent, and Wakefield had to find some fresh stimulus by which the public might be goaded to enthusiasm.

His own sympathies were by no means ecclesiastical; his creed appears to have been a masculine Theism; but to get his plans adopted in influential quarters, and to secure desirable emigrants for his beloved colony, he would have transplanted the Grand Lama of Tibet with all his praying wheels, and did actually nibble at the Chief Rabbi.²

Wakefield himself on one occasion credited Dr. Hinds, who in 1849 became Bishop of Norwich, with reviving the idea of ecclesiastical colonisation.³ But the attribution was one of courtesy rather than fact. The germ of what afterwards developed into the Canterbury and Otago schemes may be found in his *England and America*,⁴ which was published in 1833. His maturest expression of their underlying philosophy occurs in the *Art of Colonization*. As usual, he takes early American colonisation as his prototype.

In colonising North America the English seem to have thought more about religious provisions than almost anything else. Each settlement was better known by its religion than by any other mark. . . . History tells us that the founders of the religious English colonies in North America crossed the Atlantic in order to enjoy liberty of conscience. . . . A careful inspection of their doings, on the contrary, leaves the impression that their object was, each body of them respectively, to find a place where its own religion would be the religion of the place; to form a community the whole of which would be of one religion; or at least to make its

¹ That is, new to the England of the nineteenth century.

² R. Garnett, *op. cit.* p. 300.

³ Wakefield to Hinds, 26th Dec. 1848. *Founders of Canterbury*, p. 36.

⁴ Vol. ii. p. 225.

own faith the principal religion of the new community. Altogether the attraction of these sectarian colonies was very great. The proof is the great number of people of the higher orders who emigrated to those colonies as long as they preserved their sectarianism or religious distinctions . . . I am in hopes of being able when the proper time shall come for that part of my task, to persuade you that it would now be easy for England to plant sectarian colonies; that is, colonies with the strong attraction for superior emigrants, of a peculiar creed in each colony.¹

On 3rd August, 1844, the *New Zealand Journal*, at that time to all intents and purposes the Company's organ, described how the Directors had been converted to the idea of Church colonisation. In the case of Wellington, it wrote, the Company had made no provision for the religious and educational wants of the settlers, and the latter, in their exclusive concern with 'every-day' affairs, made none for themselves. Such provision was made in the case of Nelson, but the settlers being of various denominations could not agree on the application of the funds, and the Company had to undertake an embarrassing trusteeship. It had, therefore, been led 'by its own experience to the idea of *denominational settlements*': and New Edinburgh—the original name for Otago—would be the first of a 'forthcoming series' of such colonies.²

But in spite of Wakefield's hopes, the colonisation of Otago and Canterbury had little in common with the religious exodus of the seventeenth century. Religion in the nineteenth century was no longer the force it had been two centuries previously. That does not, however, mean that Wakefield miscalculated when he threw out the bait of religion, for it attracted the type of men he needed in the first instance, men who, though not prepared to emigrate themselves, willingly lent the weight of their influence to his schemes and joined the Associations which had been formed to carry them out. It ensured the

¹ *Art of Colonization*, pp. 158-61. As early as 1841 Wakefield and his friends had accomplished something to prepare the way for Church colonisation: in a letter to Godley dated 21st Dec. 1847, the former claimed that it was they who had created Bishop Selwyn's See in New Zealand and thereby originated 'all the new colonial Bishoprics.' *Founders of Canterbury*, p. 13.

² The 'series' seems to have included, in the Directors' minds, a Church of England, a Methodist, and a Roman Catholic colony. Cargill to Harington, 11th Sept. 1847. C.O. 208/120.

enthusiastic support of the Churches concerned. And finally, it secured the adhesion of worthy men, such as Cargill and Godley, to lead the exodus from England and plant the settlements in the colony. But the mass of the colonists was but little affected by this high enthusiasm. Once in the colony the Canterbury settlers did not show themselves at all sympathetic towards the ecclesiasticism of those who had sent them out,¹ and at Otago they definitely refused to follow their leader who wished to keep their religion as 'the religion of the place'.² In fact, these later settlers, like the colonists of Wellington and Nelson, went to New Zealand first and foremost in order to better their prospects, and the bait which lured them was one of broad acres of land and large flocks of sheep.

Both the Otago and the Canterbury schemes were modelled on that of Nelson,³ but they differed from it in that the funds devoted to religion and education were to be administered solely in the interests of one particular Church. For the purpose of establishing the Church Settlements the Company revived the idea of Associations⁴ consisting of 'public men who for the sake of public objects alone' would carry its schemes into execution. The Associations nobly performed the duties they had undertaken, and in so doing justified the claims of the Association of 1837 and proved, if proof were needed, how unjustifiably the Colonial Secretary of the day had insisted that its members should have a pecuniary interest in the venture in order to ensure its success.⁵

As originally suggested to the Directors of the New Zealand Company by Mr. George Rennie, a Scotchman of varied interests and accomplishments, the New Edinburgh scheme⁶—

¹ On 7th Aug. 1858, the *Lyttelton Times* wrote that there was in the settlement a 'remarkable absence of High Church feeling'.

² The Provincial Council insisted in the session of 1854 that emigrants should be welcomed not merely from Scotland, but from the whole of Great Britain and Ireland, and that an Emigration Agent should be appointed in England. V. and P. Otago P.C. vol. i. sess. ii. pp. 22, 32-3.

³ See above, p. 56. ⁴ See above, p. 28. ⁵ See above, pp. 28-30.

⁶ As the evolution of the Otago scheme has been fully and authoritatively discussed by Dr. T. M. Hocken in his *Contributions to the Early History of Otago* (London, 1898), the subject may be summarily dealt with here.

as it was originally called—was to be broadly Scotch in character and contemplated the creation, somewhere in the South Island, of an extensive suburban farm, cropped, and stocked with a good breed of cattle, before the first settlers were sent out.¹ Mr. Rennie wrote his first letter to the Directors in 1842. During the six years that followed, not only were the details of his scheme entirely altered, but formidable opposition was encountered to the whole plan of establishing a settlement in the south of the South Island.² Throughout the period 1842-1844 the Company was fighting to obtain a legal title to its lands.³ It was, moreover, in continual difficulties with the Colonial Office, and Mr. Rennie found himself suspect at the Office because of his connection with the Directors. Lord Stanley was, nevertheless, pleased to promise Mr. Rennie certain concessions, but, since his conditions included the establishment of the new settlement in the vicinity of Auckland,⁴ and his concessions did not extend as far as rendering any assistance towards the preparation of the site for settlement,⁵ Mr. Rennie in the spring of 1844 broke off negotiations, and determined to wait until the Company felt that it could resume its colonising operations.

Meanwhile there had occurred the Disruption in the Established Church of Scotland—an event that profoundly influenced the character of the scheme for a Scotch colony. It brought to the front two rival ideals and precipitated a conflict between Mr. Rennie, who wished to keep the scheme as broadly based

¹ Rennie to Stanley, 30th Sept. 1842. C.O. 209/19.

² Stephen objected to the 'colony' being placed so far in the south. The Company, he added, seemed determined to force the removal of the capital from Auckland to Wellington. (*Memorandum*, 22nd Jan. 1846. C.O. 209/44-8.) Lord Lyttleton, Gladstone's Parliamentary Under-Secretary, who was to become the second Chairman of the Canterbury Association, agreed 'with Mr. Stephen that this project is a most unfortunate one', and considered that it would be a good thing if its authors could be induced to abandon it. *Memorandum*, 31st Jan. 1846. C.O. 209/49.

³ See chap. vii.

⁴ *Minutes of Committees*. Committee of Management, 27th April, 1844. C.O. 208/188.

⁵ Rennie to the Secretary of the N.Z. Company, 20th April, 1844. *Thirteenth Report*, Appendix 10.

as possible, and its other chief promoters, Captain Cargill and the Rev. Thomas Burns, who wished to associate it entirely with the newly established Free Kirk. The Company, which was at first disposed to favour Mr. Rennie's more comprehensive ideal, was gradually brought to embrace the narrower scheme as it became evident that the latter would inspire greater enthusiasm and find more colonists.¹ And so Mr. Rennie was deposed from the leadership² and Captain Cargill stepped into his place.

Captain Cargill was a retired soldier who had seen honourable service in India and the Peninsular War. His indomitable pluck and deep, if narrow, religious convictions made him exactly the man to lead the Otago colonists to their land of promise. Having performed that duty he continued, first as Agent of the Company and the Otago Association, and later as the first Superintendent of the Province of Otago, to watch over their destinies with patriarchal care and pride.

As early as 1843 the Committee of the 'Colonial Scheme of the Free Church of Scotland' had adopted a resolution giving its blessing to the Otago scheme. The General Assembly, to which the Committee reported, proved not less favourable.³ But the ministers of the Church would take no part in the management of the affair, and the promoters were forced to call in the help of laymen. On 16th May, 1845, was formed the Lay Association of the Free Church of Scotland⁴ which gradually grew in numbers and prestige,⁵ and which, in conjunction with the New Zealand Company, superintended the many arduous details connected with the foundation of a colony. The Company and the Association came to the following agreement as to their respective duties:—The former, on account of its experience in the art of colonisation, was to purchase and

¹ The Land and Emigration Commissioners to Stephen, 21st Jan. 1846. C.O. 209/44-48.

² Rennie to the Otago colonists. *Colonial Gazette*, 25th Oct. 1845. Rennie explains why he had retired from the leadership.

³ *New Zealand Journal*, 17th Jan. 1846.

⁴ *Minutes of a Public Meeting* held at the Eagle Tavern in Glasgow on 16th May, 1845. C.O. 208/120.

⁵ The Association started off with 11 members. In 1847 its membership had grown to 50, and included men of the highest social rank in Scotland.

survey the lands of the settlement, to charter vessels for conveying the emigrants, to carry to the settlement the stores necessary for their use, to erect buildings, and to provide roads, bridges and any other public requirements';¹ while the latter was to see that the scheme was carried out on Free Church principles, to select the free and assisted emigrants, to decide as to the eligibility of prospective land purchasers, and to effect a sale of the 'properties'.²

The 'terms of purchase' under which the First Body of settlers bought their lands were published on the 14th May, 1847. These 'terms', as has been said, resemble in principle those of Nelson. But the 'properties' were to be much smaller, consisting as they did of only 60½ acres each, divided, in the approved manner, into town, suburban and rural allotments. There were to be altogether 2,400 properties, of which 2,000 were for sale to private individuals, and the rest were reserved for purchase by various bodies—the 'Local Municipal Government' (another innovation), the Trustees for Religious and Educational Uses, and the New Zealand Company. The price of the land was to be 40s. per acre or £120 10s. per property, and the purchase money (£289,200) was to be appropriated, in the orthodox fashion, to emigration (3-8ths), civil uses—surveys, roads, bridges, etc. (2-8ths), religious and educational uses (1-8th), and the New Zealand Company (2-8ths).³ The ballot system was retained.⁴ But the Scotch promoters had managed to persuade the Company that only the orders of choice for the properties actually sold should be put into the wheel in order to avoid the evils of dispersion.⁵ The ballot continued in force until 25th May, 1849, when it was abolished and land purchasers came into possession of their properties in the order in which they applied for them in Otago.⁶

¹ It had also to meet the expenditure of the Home and Colonial establishments, which, however, only amounted to £2,375 per annum. McGlashan to Earl Grey, 8th July, 1851 (Encd.). *P.P.* 1851, xxxv. p. 565.

² *Arrangements for the Establishment of a Settlement in New Zealand*, dated 28th Jan. 1847. C.O. 208/120.

³ *Twenty-second Report*, Appendix ii.

⁴ See above, p. 58.

⁵ Rennie to the Secretary of the N.Z. Company, 20th Jan. 1844. *Thirteenth Report*, Appendix 4.

⁶ Pasturage Regulations were added, but these will be discussed subsequently. See below, p. 328.

Having remained practically dormant for two years the Lay Association at length bestirred itself, and on 10th August, 1847, a public meeting was held at Glasgow in order to advertise the scheme of the settlement.¹ The other methods of publicity, which have been fully described elsewhere,² were also resorted to, and soon sufficient land had been sold to permit the despatch of the First Body of settlers. They left towards the end of November in two parties—the first, nearly one hundred in all, from Gravesend in the 'John Wycliffe', the second or main party, consisting of 247 souls, from Greenock in the 'Philip Laing'.³ The latter ship arrived in Otago harbour on 15th April, 1848, almost a month after her sister vessel, and after a voyage that had consumed 140 days.

The settlers who were thus sent out did not form a 'colony' in Wakefield's sense of that term. It is true, indeed, that they carried out with them some of the institutions of their native land. But they did not represent a complete segment of its society, for, though eminently respectable,⁴ they were drawn almost entirely from the poorer classes of the community. As typical of an important section, Captain Cargill, in a letter to the Company's Secretary, mentioned the case of a family which consisted of a father, mother and their four sons, one of whom was married. The father had for twenty-five years served the

¹ *New Zealand Journal*, 14th Aug. 1847.

² See chapter iv. The Association also published, between January, 1848, and August, 1852, eight numbers of an *Otago Journal* which contained all manner of information about the settlement.

³ *New Zealand Journal*, 20th Nov. and 4th Dec. 1847.

⁴ After the departure of the First Body of colonists from Greenock the Secretary of the Otago Association wrote that in the opinion of 'parties experienced in emigration . . . a more orderly and well-conditioned party of free emigrants . . . had never before left that port'. By their luggage, he continued, they might be judged. Each emigrant had been allowed to take one full ton of property. (McGlashan to Harrington, 29th Nov. 1847. C.O. 208, 120.) The Rev. Thomas Burns reported as follows on the Otago colonists some time after they had arrived in the settlement: 'The general character of the population . . . is unusually good. In all my experience, I know of no parish, no community of equal size, containing anything like so large a proportion of individuals distinguished by very high character for intelligence, for moral worth, for patient, active industry, and especially for a very serious regard to their religious duties.' Pakington to Governor Grey, 15th Dec. 1852 (Encl. 8). *P.P.* 1854, xlv. p. 393.

same master as coachman and ploughman, and his sons were working in various skilled employments, one being a blacksmith, another a gardener, and so on. The family had leased from a member of the Association's Glasgow Committee fifty acres of rural land on which the parents were to be placed, while the sons intended to work for wages in the colony. Another large section, continued Captain Cargill, closely akin to the former, consisted of 'working farmers', who would buy properties either singly or in combination. Many of this class also were prepared to eke out their resources by working for wages. Only a very few persons 'of a higher grade', concluded Cargill, had joined the 'colony'.¹

The Otago Association continued in existence for eight years, during the last six of which it worked with great enthusiasm in the cause of the infant colony. But the results of its labours were, on the whole, disappointing. The labouring class responded to its appeal with alacrity,² but, after the date of the first ballot, very few persons came forward to purchase its 'properties'.³ It appeared that, with the prudence characteristic of their race, intending purchasers were waiting to see how the first body of their compatriots fared before making their own investment.⁴ And so it came about that by December, 1852, the Association had sold only 14,454½ acres of waste land.⁵ But in 1847 it had contracted with the Company that unless it had sold 2,000 properties (or 120,500 acres) within five years it should resign the rest of the 'Otago Block' into the latter's

¹ Cargill to Harington, 11th Sept. 1847. C.O. 208/120.

² McGlashan to Harington, 21st March, 1848 (Encl. 1). C.O. 208/121.

³ It was proposed to send a 'second party' of colonists to Otago towards the middle of 1848. But in March an agent of the Association wrote: 'I am sorry to say that we are not getting on with sales—there is another depression and deadness here in everything, and it has become much worse since this French affair' [presumably the February Revolution] 'has taken place. But I hope we will get the first of June ship full in some way.' (Aldcorn to Harington, 10th March, 1848. C.O. 208/121.) They did not, however, and the few colonists that came forward ultimately left from London in the Company's ship 'Blundell'. C.O. 208/121.

⁴ McGlashan to Earl Grey, 8th July, 1851. *P.P.* 1851, xxxv. p. 562.

⁵ Pakington to Governor Grey, 15th Dec. 1852 (Encl. 8). *P.P.* 1845, xlv. p. 393.

hands and wind up its own affairs.¹ The Government, to whom the Company's assets and liabilities had reverted since July, 1850, refused to extend the Association's term, and on the 23rd December, 1852, its operations were brought to a close.² At that date the population of the Otago settlement numbered about 2,000 souls.³

Wakefield had been working at a scheme for a Church of England colony as early as 1843. He wrote to his sister in that year⁴:

The project of a new colony in New Zealand is so nearly ripe that I want to talk with you and Charles about it. It will be a Church of England colony, that is the foundation fund of the colony will contain ample endowments for religious and educational purposes in connection with our Church exclusively. A body of colonists will be formed here in conjunction with eminent clergymen and laymen of the Church of England not intending to emigrate; and this body will mature the plan and offer it to the New Zealand Company, by whom it will be accepted. . . . The project, which is mine own, is warmly approved and will have the zealous support of the Church and eminent laymen. Dr. Hinds, who is here, will work at it.

The difficulties of the New Zealand Company prevented Wakefield from taking steps to realise his project in practice until the end of 1847. The decisive move was made in November of that year, when he enlisted the support of John Robert Godley.⁵ Godley was the eldest son of an Irish country gentleman, was born in 1814 and educated at Harrow and Christ Church.⁶ He was trained to the Bar, but held few briefs. During the intervals between extensive travels he performed the ordinary county business expected from a man of

¹ McGlashan to Earl Grey, 8th July, 1850. *P.P.* 1851, xxxv, p. 502.

² Pakington to Governor Grey, 15th Dec. 1852 (Encl. 10). *P.P.* 1854, xlv, p. 395.

³ *Ibid.* Enclosure 8.

⁴ B.M.MSS. Add. 35201. The letter is undated, but the postscript which says 'the settlement of our differences with Stanley is signed and sealed', can only refer to the 'Arrangement' of May, 1843. See above, p 183.

⁵ Wakefield to Godley, 27th Nov. 1847. *The Founders of Canterbury*, p. 1.

⁶ J. E. FitzGerald, *Writings and Speeches of J. R. Godley* (Christ Church, N.Z. 1863), pp. 1-2.

his class.¹ He gave an account of one of his journeys in the *Letters from America*, which was published by Murray in 1844 and which attracted attention on both sides of the Atlantic. About a year later, in a memorial to the Prime Minister published in the *Spectator*, he first gave public proof of his interest in colonisation. The letter, which was written on the eve of the great Irish famine, elaborated a proposal for settling one million Irish in Canada at the expense of the Irish landlords. The plan, though greeted with almost unanimous approval in Ireland, was rejected by the Government.²

Godley was a fine type of a man. Wakefield loved to contrast his sterling worth—so typically un-Irish he thought—with the brilliant futility of J. E. FitzGerald,³ another Irishman who took a prominent share in the foundation of the Canterbury Settlement. He was an ardent High Churchman with religious convictions which were deep and real. Endowed with a nice sense of public duty, he harboured no ambitions for himself. He was moved by burning enthusiasms, but they were guided and controlled by an intellect both powerful and clear. In many respects he was the antithesis of Wakefield, and in nothing more than in his transparent honesty. It is small wonder that he gained and kept the affectionate confidence of the Canterbury colonists.

In his ideas on the relationship that should subsist between the mother country and the colonies Godley belonged to the school of the Colonial Reformers. Indeed, he had advanced even beyond the position taken up by Durham and Wakefield, for he held that local self-government meant 'the right and power to do, within the limits of each colony respectively, without check, control, or intervention of any kind, everything that the Supreme Government of this country can do within the limits of the British Islands—with one exception. I allude to the prerogative of regulating relations with foreign powers'.⁴ When he arrived in New Zealand in 1850 his thorough grasp

¹ *Ibid.* pp. 2-3.

² *Ibid.* p. 3.

³ 'Not so FitzGerald, who has been up and down all along like the steam-engine piston. That was according to his truly Irish nature.' Wakefield to Godley, 17th Aug. 1850. *The Founders of Canterbury*, p. 318.

⁴ Godley to Gladstone, 12th Dec. 1849. *Canterbury Papers*, p. 88. He objected to the New Zealand Government Act of 1852 because it

of principle served to crystallise the colonists' opposition to Sir George Grey's constitutional measures into a few clear and cogent propositions.¹

It is idle to dispute on the respective claims of Wakefield and Godley to be regarded as the founder of Canterbury. Godley had early come under the influence of Wakefield's writings on colonisation. The two had collaborated on Godley's scheme of Irish emigration, and Wakefield had caused it to be published in the *Spectator*.² It is impossible to say how much of the Canterbury scheme was Godley's and how much was Wakefield's work. During its elaboration they were constantly closeted together. After the completion of that work, their spheres became completely distinct. To Godley fell the task of bringing the scheme before the notice of the public and of forming an Association to carry it out. Later on, as the Agent of the Association in New Zealand, it became his duty to plant the Canterbury 'colony' in its new home. But it is best to let him speak of his work in his own words: 'For the last five years', he said on 18th December, 1852, at a farewell breakfast given in his honour by the Canterbury colonists,

ever since the plan of founding a settlement of Church people in New Zealand was first suggested to me, I think I may almost say without exaggeration that the thought of it has hardly been for a moment out of my mind; I have become, for the time at least, a man of one idea, to which everything else, public and private, has been made subordinate.³ Almost every intimate friend I have in the world has been induced by me to take a part in this enterprise; whatever reputation I may enjoy, or look to enjoying, is bound up with its success; indeed, I have often felt as though if this Colony had proved a failure I could never again have had the heart and the courage to engage in any public enterprise. . . . I have watched the foundation and growth of nearly every house, the cultivation of every field, the progress of every crop in the

did not confer full powers of self-government on the colonists. See his important lecture on the New Zealand Constitution, *Writings and Speeches of J. R. Godley*, pp. 124 seq.

¹ See his speech on Governor Grey's Constitution of 1850. *Ibid.* pp. 63 seq.

² *The Founders of Canterbury*, Preface, p. vii.

³ 'He' (Godley) 'is the life and soul of the Canterbury Association.' Wakefield to Baring, 24th Sept. 1849. *The Founders of Canterbury*, p. 106.

settlement, as if it were my own. I have superintended the construction of your public works, the building of your churches, the management of your schools. I have borne a part in all your political proceedings and attended all your public meetings; in short, the affairs of this settlement have become part and parcel of my very life and being, to an extent which could hardly have taken place under any other combination of circumstances.¹

Wakefield, on the other hand, had passed his prime. Except for a short period in New Zealand he never recovered his health after the stroke which prostrated him in 1847.² But whatever strength he possessed was devoted entirely to the furtherance of two projects dear to him, of which the first and most important was³ that of a Church of England settlement. His name never appeared among the members of the Canterbury Association, since his 'habitual and most useful function', as he himself put it, was 'to work, like the mole, in out-of-sight obscurity'.⁴ His letters on the affairs of the projected settlement, which were collected by his son, and published under the title of *The Founders of Canterbury*, bear ample testimony to the value of that work. Many of them are still of absorbing interest, full, as they are, of humour and of wisdom, and revealing a penetrating, almost uncanny, insight into character⁵ and affairs. For although his body was weak, his mind was still working with all the old clarity. His work consisted chiefly in letter-writing, and in interviewing, at his cottage at Reigate,

¹ *Writings and Speeches of J. R. Godley*, p. 168.

² In a letter to Brittan, one of the chief Canterbury colonists, dated 22nd July, 1850, Wakefield describes himself, with reference to the Canterbury Association, as 'an outside invalide amateur, without either responsibility or power'. (*The Founders of Canterbury*, p. 301.) The latter part of the sentence is too strong. Wakefield might have had no responsibility, but he certainly had power.

³ The other was the vindication of self-government for the colonies, which was the object of the Colonial Reform Society.

⁴ Wakefield to Adderley, 24th Dec. 1849. *The Founders of Canterbury*, p. 176.

⁵ See *The Founders of Canterbury*, pp. 303, 308 and 316-9, where Wakefield sketches the characters of Sewell, Brittan and FitzGerald. The future (in New Zealand) was to show how accurate his estimate had been. (See W. Gisborne, *New Zealand Rulers and Statesmen* (London, 1897) pp. 63-6 and 68-71.) For an extremely clever sketch of the foibles of the Rev. Thomas Jackson, the Bishop-Designate of Lyttleton, see the *Founders of Canterbury*, pp. 330-4 and 340-6.

the friends of Canterbury. But if necessary he would go up to London and awake the sleepers at Adelphi Terrace or Charing Cross,¹ though the train journey wearied him and the noise of London distracted his mind. For after Godley's departure the Canterbury Association seemed to fall into a kind of torpor.² Wakefield expressed himself very frankly on the incapacity of some of its officials,³ and in spite of the fact that, as he phrased it, 'the dislike of being prompted by me is an influenza just now at Charing Cross',⁴ managed to get John Hutt, the first chairman of the Association, superseded by Lord Lyttleton,⁵ and to bring forward other helpers⁶ from time to time. Managing people continued, in fact, to be his chief *métier*. Not only did he work hard to obtain a man of social distinction to act as 'leader'⁷ of the Canterbury colonists, but he even took the chief part in the hunt for a bishop.⁸

¹ Where the N.Z. Company and the Canterbury Association respectively had their offices.

² 'The Canterbury enterprise will not *do itself*. . . . It needs the *constant origination of fresh exertions*. I am afraid that when Godley left, it lost its soul.' Wakefield to FitzGerald, 12th March, 1850. *The Founders of Canterbury*, p. 230.

³ 'Thus Messrs. Hutt, Halswell and Alston,—one cracked, one a mere jobber in the smallest line, and the third an imbecile in desperate circumstances with one foot in the grave,—form a sort of Board which, though useless for good, is, *being in constant attendance*, powerful for impediment and mischief. The sight of it vexes me so that I get seriously ill at Cockspur Street and make a daily resolution not to go there again, but am led to break it by the fear that something horrid may be done if I do not keep an eye on these noodles and worse, who, at any rate, are very much afraid of me. I am telling you the plain truth. The grand Canterbury Association—the high-minded, enlightened, and now important, because successful colonizer is in a great measure, I will not say administered, but taken and held possession of by these creatures, not one of whom is capable of governing an infant school.' Wakefield to Godley, 17th Sept. 1850. *The Founders of Canterbury*, p. 328.

⁴ Wakefield to Wynter, 15th March, 1850. *Ibid.* p. 233.

⁵ Wakefield to Simeon, 28th March, 1850. *Ibid.* pp. 237-8.

⁶ For example, Sewell, who became Deputy-Chairman of the Association, and W. Bowler, who became Manager of Shipping.

⁷ Wakefield to Hutt, 25th Feb. 1850. *Ibid.* p. 221.

⁸ Here he had many disappointments. Two clergymen (Wynter and Madlock) failed him before he hit upon the Rev. Thomas Jackson, who, however, soon proved to be entirely the wrong man. *Ibid.* pp. 221, 252, 257, 268, 340 *seq.*

though he was sadly puzzled as to the exact tint of churchmanship that gentleman should possess.¹ Finally, when details connected with colonisation proper were under discussion, his authority stood, of course, unrivalled.

Wakefield was now no longer surrounded by his old friends, the Radicals, but by Tories, and by Tories too who belonged chiefly to the Puseyite section of the Church of England, which held the highest notions as to the position the Church should occupy in the State. The Whigs had offended him by their slackness in regard to colonial reform, and the breach between himself and the Whig Directors of the Company was steadily widening. The Young Tories, on the other hand, though their ideas on ecclesiastical affairs must have struck him as retrograde, held liberal views on many secular matters,² and were especially 'advanced' on the subject of colonial autonomy. They were attracted by the social side of the Wakefield theory, which seemed to them to aim at preserving in the new land all those cherished institutions which were being threatened with extinction at home. But the Church provisions remained throughout the chief attraction. And so he found them zealous enough supporters, as ready to take up colonisation for the sake of the Church as he was to take up the Church for the sake of colonisation.³

After the services of Godley had been enlisted, and he had, at Wakefield's request, obtained a seat on the Direction of the New Zealand Company, the project of a Church of England settlement was rapidly brought to maturity. Godley and his friends managed to interest many people of importance and to

¹ What I anxiously desire . . . is, that the Society [*i.e.* the Canterbury Association] may comprise persons of mark who are not deemed Puseyites; that in forming it, your skill and policy may enable you to steer clear of a *personnel* which would stamp it at once with a Puseyite character. . . . Surely the Church comprises many eminent persons, lay and clerical, who are both earnest churchmen and friends of colonization, and yet not members of the Puseyite or Tractarian Party: I would name, for example, Gladstone and the Bishop of Oxford, . . . I do not understand this part of the subject well myself, but am very anxious about it. It seems to be a question of colour and tints and shades, but it is one of the highest import and most real substance.' Wakefield to Godley, 17th Dec. 1847. *Ibid.* p. 12.

² They were, on the whole, 'Peelites'.

³ R. Garnett, *Edward Gibbon Wakefield*, p. 299.

persuade them to form themselves into an Association, to be known as the Canterbury Association. On 30th March, 1848, its Secretary addressed his first letter to the Directors, outlining the scheme of the Canterbury settlement and asking for the support of the Company.¹

A more influential body of men than that which formed the Canterbury Association had probably never before been assembled in England for the express purpose of furthering colonisation. Among its 55 members there were the following prelates: The Archbishops of Canterbury and Dublin, and the Bishops of London, Winchester, Oxford, Exeter, Ripon, St. Davids and Norwich; while among the laymen there were the Duke of Buccleuch, the Marquis of Cholmondeley, the Earls of Ellesmere, Lincoln and Harewood, Viscount Courtenay, Lord Lyttleton, Lord Ashley (better known as the good Earl of Shaftesbury), Lord John Manners, Lord Alfred Hervey, and a galaxy of members of Parliament.²

Wakefield must have experienced a certain amount of gratification and of pride as he contemplated these illustrious converts to his theory. How different it must all have seemed to the days when the New Zealand Company was struggling to bring its first settlements into being. *Then*, everything was uncertain and there was much opposition in high places; *now* everyone was favourable, and even the Colonial Office, in the words of its chief, took 'a great interest' in the project.³

That project, as originally formulated, was an ambitious one. The first document published⁴ by the Association defined its object to be

to set an example of a colonial settlement, in which, from the first, all the elements, including the very highest, of a good and right state of society, shall find their proper place and their active operation.⁵

¹ Earl Grey to Governor Grey, 29th June, 1848 (Encl. 5). *P.P.* 1847-8, xliii. p. 543.

² *Canterbury Papers*, pp. 3-4. Among the members of Parliament were C. B. Adderley, Henry Goulburn and Sidney Herbert.

³ *Ibid.*

⁴ Shortly after March, 1848, when the Association was formed,

⁵ *Canterbury Papers*, p. 6.

In order to approach this ideal it intended

to form a settlement, to be composed entirely of members of our own church, accompanied by an adequate supply of clergy, with all the appliances requisite for carrying out her discipline and ordinances, and with full provision for extending them in proportion to the increase of population.¹

The Association proposed that the settlement should consist of one million acres, and contracted with the Company to sell at least 100,000 acres before 1st October, 1848, and an average of 100,000 acres in every year thereafter.² It reckoned that after two years it would

have at its disposal two funds, each a little exceeding £200,000 : one appropriated to emigration purposes, the other to ecclesiastical and educational establishments and endowments.³

By means of the former fund it proposed to send 15,000 persons to the settlement, and the interest on the latter was to be expended in providing salaries for a Bishop, an Archdeacon, 20 Clergymen and 20 Schoolmasters, after the deduction from its capital of £41,000 for the purpose of providing them with churches, parsonage-houses and schools.⁴ At the head of the educational system, which was to be under the control of the Church, there was to be a College

capable of taking rank with similar institutions in this country, from which, as from a central point, the education, not merely of the Canterbury settlement, nor of New Zealand alone, but of the Australian colonies, even of India itself, may in a measure be supplied.⁵

The 'leader' of the colonists was to be Captain E. H. W. Bellairs, whose father, Sir William Bellairs, was to receive a baronetcy and to emigrate to New Zealand with his whole family and property—'which latter would have amounted to about £70,000'.⁶

¹ *Ibid.*

² Earl Grey to Governor Grey, 29th June, 1848 (Encl. 5). *P.P.* 1847-8, xliii. p. 543.

³ *Preliminary Arrangements and Economy of the Proposed Settlement* undated, but probably composed in Jan. 1850. *Canterbury Papers*, p. 20.

⁴ *Ibid.* pp. 20-1. ⁵ Alston to Godley, 1st Oct. 1850. *Ibid.* p. 235.

⁶ *The Founders of Canterbury*, Preface, p. xi.

These splendid plans broke down one by one. Sir William Bellairs wanted to receive his baronetcy before parting with his property and becoming a real colonist. The Bishop, whom the Association regarded as a vital element in the structure of Canterbury society, was not consecrated until 1856. The expectation of large land sales was not realised. In December, 1849, the Company agreed that the Association need only sell one-third of the area originally stipulated as having to be sold before the undertaking could be proceeded with, and in April, 1850, the stipulation regarding the sale of a definite amount of land was withdrawn entirely. On 1st July, 1850, when land sales to the First Body of colonists closed, only £27,000 worth of land (or 9,000 acres) had been sold.¹

The regulations ² under which the First Body of Canterbury colonists purchased their lands were published on 22nd April, 1850. Purchasers had to pay £150 for a property consisting of 50 rural acres and one town acre, which means that they paid about £3 per acre, a high rate even under the Wakefield system. Purchasers might, however, console themselves with the belief that they were really paying only 10s. for the land, since the rest of the purchase money was to be appropriated as follows :—10s. per acre for miscellaneous expenses ; 20s. per acre for religious and educational purposes ; and 20s. per acre for emigration. The rest of the regulations resembled those under previous schemes, except that the ballot system ³

¹ Wakefield to Godley, 22nd June, 1850. *The Founders of Canterbury*, pp. 286, 291. The letter, though started on 22nd June, was not finished until several days afterwards.

² *Canterbury Papers*, pp. 62-4.

³ P. 58. On 4th Jan. 1850, John Hutt, the Chairman of the Canterbury Association, had asked the Secretary of the N.Z. Company in a confidential letter what the Company's experience had taught it as to the value and the desirability of the ballot. (C.O. 208 115.) Harington replied that in no single settlement had any objection been made to the principle of a ballot to determine the order in which land purchasers should choose. Some such system, he continued, was indispensable in the case of the First Body of colonists. A fairly numerous First Body was necessary for the foundation of every settlement, and as all its members were equally valuable they had to be treated on a system of equality. After the departure of the First Body there was a choice of methods. The original method had been to give purchasers a right of selection in the order of their presentation of a land order bought in

was slightly disguised¹ in order to meet the objections of Earl Grey.²

Between the Company and the Canterbury Association there was no such division of duties as had been stipulated for in the agreement between the Company and the Otago Association. The Company was, in fact, a sleeping partner, and it did no more than supply the preliminary funds,³ whereas the Association superintended the sale of land and the selection of emigrants, managed the shipping, and prepared the Canterbury lands for settlement, though Captain Thomas, its Chief Surveyor, nominally acted for some time⁴ as the Company's agent.

The work of advertisement⁵ and of collecting emigrants and preparing for their departure went on in much the same way as it had done under the Company, except for the fact that the Association performed its task even more efficiently than the Company, and in two important respects departed

England, but according to the method at present in vogue in Otago and all the Company's other settlements intending purchasers proceeded directly to the colony, and having chosen their land and paid for it at the Land Office came into immediate possession. *Ibid.*

¹ Instead of the ballot proper, the order in which the letters of application for land were opened by the Committee of Management of the Association was to determine the order in which applicants should select their sections in the settlement. *Canterbury Papers*, p. 62.

² Alston to Harington, 9th Jan. 1850. C.O. 208/115. The 'Pasturage Regulations', which resembled those in vogue in the other settlements, will be discussed subsequently. See below, p. 328.

³ £20,000. Earl Grey to Governor Grey, 29th June, 1848 (Encl. 7). *P.P.* 1847-8, xliii. p. 547.

⁴ Until the Association obtained its Charter, before which time it did not wish to incur any pecuniary liabilities. (*Minutes of a Meeting of the Canterbury Special Committee of the New Zealand Company*, 26th June, 1848. C.O. 208/114.) The Charter of Incorporation is dated 13th Nov. 1849. *Canterbury Papers*, p. 60.

⁵ The *Canterbury Papers*, of which eleven numbers were issued during the years 1850 and 1851, kept the public informed about the progress of the undertaking. Shortly before the departure of the First Body of Canterbury colonists, Wakefield wrote to the Bishop Designate of Lyttleton: 'It seems likely that the colonists' leave-taking fête at Blackwall on board the ships will be made an occasion of the most careful publicity for Canterbury. The very smell of the pitch will help to give reality to what most people still consider only a pretty dream.' Wakefield to Jackson, 18th July, 1850. *The Founders of Canterbury*, p. 298.

from the established precedent. For in the first place it did not employ paid agents¹ to sell its land orders or to select 'assisted' emigrants, and, secondly, it made itself responsible for the comfort not only of steerage but also of cabin passengers.² By means of these innovations speculation was deliberately scotched, a good class of labouring emigrant assured,³ and the emigration of the class that would buy cabin passages encouraged.

The Association's prestige, its attractive system of colonisation, and its careful management resulted in the sending forth of the best as well as the largest colony that had yet emigrated to New Zealand. It left between September, 1850, and January, 1851, in eight ships carrying between them 1,512 passengers,⁴ of whom no less than 24 per cent.⁵ had paid for cabin passages and were thus possessed of a certain amount of capital. Here was at length a colony after Wakefield's own heart. He had watched its formation with breathless interest, and his letters to Godley form a running commentary on its early fortunes. He rejoiced that the absentee proprietor, who had done so much to ruin his earlier ventures, was not to figure among the Canterbury landowners.

The . . . topic . . . which just now mainly occupies our thoughts, he wrote on 22nd June, 1850,

¹ The only agent it did employ was Felix Wakefield, Gibbon's brother, who had no other interest than to procure good colonists. (*The Founders of Canterbury*, pp. 285, 304.) Felix appointed a few sub-agents to help him, but they only received commission on lands sold to actual colonists. *Ibid.* p. 285.

² See H. Bowler's very interesting *Report on The Management of Shipping for Emigration*. (*Canterbury Papers*, 1st series, pp. 268-70.) It gives a history of assisted emigration since its inception in 1835, and shows how the Association improved on the Company's conduct of emigration by providing better food, making passengers more comfortable, and cheapening the cost of passage. On the last point it showed that while the Company's outlay on emigration had been at the rate of at least £31 per emigrant, that of the Association was only £16. *Ibid.* p. 277. The *Report* is dated 14th Jan. 1851.

³ The selection was entrusted to the land purchasers themselves who would naturally be anxious to recommend good servants.

⁴ *Canterbury Papers*, pp. 269-70.

⁵ *Ibid.* p. 273. This compared with a percentage of 14 among the colonists of the Company's first three settlements. See above, p. 73.

... is the probable sale of land on the 1st July. . . . The alternate elations and depressions of opinion in the same person amuse me who have witnessed all this before, and who have quite made up my mind that the sale will be satisfactory but not very large. It might be larger and yet very unsatisfactory. You will remember the number of absentee purchasers at Wellington and Nelson, especially the latter.¹ . . . Now, I expect that in the present case the absentee purchasers will not exceed one in seven, perhaps not one in ten.² It will be nearly all colonizing sale ; scarcely any of it of the merely speculative kind. . . . Nothing has been done to encourage, everything has been done to discourage, stock-exchange and other speculative purchases.³

About the intending colonists he wrote enthusiastically.⁴

Assuredly nothing in modern times is to be compared to our first body of colonists, actual and probable. In spite of all impediments and drawbacks, this part of the work will prosper. It is hard work, and facilitated by nothing but the religious element. But its very success makes me nervous. . . . So I watch the recruiting with intense interest. You may be sure that I know the state of the case, actual and probable. It is very satisfactory and more promising. Considering the difficulties it is really wonderful. I feel certain that if no great error be committed in any quarter there will be sent out this year, and resident at Lyttleton in 1851, a far more important colony than were, in the first year of their existence, all those put together with which I have been personally concerned, namely Adelaide, Wellington, New Plymouth, Nelson, and Otago. I speak advisedly. Even now, we beat either

¹ ' Here they are exactly :

WELLINGTON

Sections of 100 acres sold	-	-	-	-	1000
Bought by absentees	-	-	-	-	595
Bought by colonists	-	-	-	-	405

NELSON

Sections of 150 acres sold	-	-	-	-	432
Bought by absentees	-	-	-	-	352
Bought by colonists	-	-	-	-	80

It is no wonder that Nelson has stagnated.'

² A few days after the 1st July he wrote : ' Strange to say there is not a single absentee or speculative buyer.' *The Founders of Canterbury*, p. 291.

³ *Ibid.* p. 285.

⁴ This enthusiasm is all the more remarkable because, in writing to Godley, he was always prone to emphasise the gloomy side of the picture.

Adelaide or Wellington hollow.¹ . . . The enlisting process is slow, but sure in proportion. The plan somehow repels desperate and bad people, such as commonly form a large proportion of the materials of a new settlement. Those whom it attracts are circumspect, cautious, and slow to decide. . . . We are sure that nearly all go to do something as a steady pursuit—most of them to cultivate the earth, breed horses and cattle, and grow wool. . . . I am sure you will have a fine horticultural show on the first anniversary : I believe you will see, not merely a nice, but a choice society of English people assembled there.² Not more than a very few of the really bettermost class in habits and manners have already declared themselves, but many of that sort—families of the very nicest description (or shall I say after your own fancy) are preparing slowly, and not without pain, to take the step which will commit them. At present there is certainly too large a proportion of people, who, however estimable, are deficient as respects manners—good and satisfactory, but not refined and polished people : but I feel sure that if no important check should occur, there will be a larger proportion of the most agreeable sort of people than one commonly finds in a neighbourhood here. . . . I ought to have said before, that the most novel and curious feature of the whole case is, that about five out of six, perhaps more, of the intending colonists, declared, known and expected, are truly religious people.³

There seems to be a tide in the affairs of 'colonies' as of men ; and it generally passes with the departure of the First Body of colonists. Then comes a period of stagnation during which hardly any land is sold, and but few colonists can be persuaded to embark for the new settlement, while everyone waits anxiously for reports regarding the fortunes of the pioneers. This had happened in the case of Wellington, New Plymouth, Nelson and Otago, and it happened again in the case of Canterbury, as the Association found to its cost, after the departure of its eight ships during the latter months of 1850. It had

¹ Dr. Hinds, the colonising Bishop, once spoke of Canterbury as 'the Belgravia of colonies'. *The Founders of Canterbury*, p. 334.

² Three years later, when Wakefield had himself emigrated to New Zealand, he saw no reason to change this view. 'At Canterbury', he wrote to Rintoul, 'I could have fancied myself in England except for the hard-working industry of the upper classes and the luxurious independence of the common people. . . . Altogether I was really charmed with the colonists there.' B.M.M.S. Add. 35261.

³ Wakefield to Godley, 22nd June, 1850. *Ibid.* pp. 282-4.

talked much about the despatch, in 1851, of a second expedition that should far surpass the first in numbers and in worth, both moral and material,¹ and had managed to persuade a Baronet by the name of Sir John Tancred to make himself responsible for the foundation within its settlement of the township of Gladstone.² But neither of these projects materialised.³ Nevertheless, it did some very useful work even after 1st July, 1850, the date on which land sales to members of the first expedition stopped. It sold over 24,000 additional acres of land⁴ and continued its superintendence of emigration to the settlement. Even so, however, it did not manage to escape the fate of all colonising bodies—bankruptcy. It could not pay to the Crown what the latter considered its due, and in December, 1852, after a lengthy correspondence,⁵ the Colonial Secretary cancelled its Charter and declared its functions terminated.⁶

§ 2. *In New Zealand*

The colonists who arrived in Otago and Canterbury in 1848 and 1850 respectively enjoyed a number of very real advantages over their Northern brethren.

They were not pioneers in the same sense as the Company's

¹ Alston to Simeon, 28th Nov. 1850. *Canterbury Papers*, p. 267.

² Tancred to Lyttleton, 24th April, 1852. *Ibid.* p. 319.

³ *Lyttleton Times*, 7th Aug. 1858. Nevertheless, during the years 1851 and 1852 the Association sent almost 1,000 colonists to its settlement over and above those that had gone in the First Body.

⁴ The Colonial Office computed the Association's debt to the Crown on 1st April, 1852, at £16,719 17s. 2d. This was calculated at the rate of $\frac{1}{6}$ th of the proceeds of the land sold by the Association, which means that the latter had received £100,319 3s. from its land purchasers, and had, therefore, disposed of about 33,440 acres. On 1st July, 1850, it had sold altogether 9,000 acres. See Desart to Alston, 19th April, 1852, and Alston to Desart, 14th June, 1852. *P.P.* 1852-3, lxxv. pp. 428, 440 and 441.

⁵ See *P.P.* 1852-3, lxxv. pp. 392-477.

⁶ Pakington to Lyttleton, 11th Dec. 1852. *P.P.* 1852-3, lxxv. p. 474. Its relations with the Canterbury colonists had continued, on the whole, cordial, and in 1855 the Provincial Council of Canterbury agreed to discharge the Association's 'debt of honour', which amounted to £31,000, at the same time taking over its landed and other property in the settlement. *Writings and Speeches of J. R. Godley*, p. 246; *J. of P. Canterbury Provincial Council*, vol. i. pp. 146-7.

settlers who had embarked for unprepared settlements in an unknown land and who had had to discover the capabilities of the country by the painful method of trial and error. In many ways they entered into a heritage laboriously conquered by their predecessors.

Neither were they troubled by the proximity of a powerful native population, or by disputes regarding land titles; for the Maoris were practically extinct in the South Island, and any land claims which they might have possessed had been carefully extinguished by the joint intervention of the Company and the Government.

The sites for their settlements had been carefully chosen. Various explorers¹ had reported on the fitness of the lands bordering on Port Cooper and Otago Harbour for European settlement. We have seen that Port Cooper was Captain Wakefield's first choice for the site of Nelson,² and travellers like Captain Daniell and Mr. Duppa confirmed the good impression he had formed. But when Mr. Tuckett, acting as the agent of the New Zealand Company, had to choose a site for the Free Kirk settlement he preferred the Otago lands, since he did not think the great Canterbury plain suitable for the purposes of the Lay Association.³ The selection was a wise one, for, as Dr. Hocken writes, 'no part of New Zealand has a more bracing climate, fertile soil, and magnificent scenery than that of his [Tuckett's] choice'.⁴ Four years afterwards Captain Thomas, the agent of the Canterbury Association, selected the site which Tuckett had passed by.⁵

¹ Captains Daniell and Smith, Messrs. Duppa, Tuckett and others. See enclosures to two despatches written by Col. Wakefield to the Secretary of the N.Z. Company and dated respectively 7th Aug. 1841, and 28th Jan. 1843. C.O. 208/99.

² See above, p. 112.

³ 'The great plain is not worth occupying in small sections. It would be absolute ruin to the occupier, however able and industrious. . . . It might be an attractive locality for persons of property.' Diary, 13th April, 1844. See T. M. Hocken, *op. cit.* Appendix A, p. 207.

⁴ *Ibid.* p. 61.

⁵ Various other suggestions had been made as to the best site for the Church of England settlement. The most persistent, and, indeed, the only one between the years 1843 and 1848, was that of the Wairarapa lands situated some distance inland from Wellington. (Earl Grey to

The distinctive feature of the territories within which the Otago and Canterbury settlements were planted is the vast extent of level country, broken here and there by scattered mountain ranges, which extends eastward between the great backbone range of the South Island and the sea. Samuel Butler, the author of *Erewhon*, who spent five years in the Canterbury settlement, describes the country as 'a sort of cross between the plains of Lombardy and the fens of Cambridgeshire',¹ and Captain Stokes of H.M.S. 'Acheron' speaks of the

vast savannahs lying at the foot of the hills surrounding . . . Port Cooper.² From an elevation of 3,000 feet . . . near the North end of this level tract, I saw one entire plain stretching full 100 miles to the southward, and watered by a multitude of streams, meandering like silver threads on their seaward course.³

These monotonous plains, covered with tussocks of coarse grass, not green, but of the colour of hay, proved to be admirable sheep country, and not less suited for agriculture. They were practically treeless and needed to undergo very little preparation before ploughing. The only bush in the vicinity of the future capital of the province was on the beautiful Akaroa Peninsula, which presented a complete contrast to the rest of the country. It was there that the Nanto-Bordelaise Company had placed its settlers in 1840.⁴ But its property had been bought up by the New Zealand Company, and but few of its settlers were left on the Peninsula when the 'Canterbury Pilgrims' arrived.⁵ Finally, though the hills in the immediate neighbourhood of the future capital of Otago were

Governor Grey, 29th June, 1848 (Encl. 1). *P.P.* 1847-8, xliii. p. 541.) The site was deemed ineligible because of its inland situation. Other suggestions were the neighbourhood of the Rangitiki and the Manawatu (Governor Grey to Earl Grey, 6th Dec. 1848. *P.P.* 1849, xxxv. p. 150), and the country on both sides of Foveaux Strait. (Alston to Harington, 2nd Sept. 1848 (Encl.). *C.O.* 208/114).

¹ *A First Year in the Canterbury Settlement* (R. A. Streatfield's edition—London, 1914), p. 36.

² Governor Grey to Earl Grey, 15th May, 1849 (Encl. 1). *P.P.* 1850, xxxvii. p. 859.

³ *Ibid.*

⁴ See above, p. 96.

⁵ 'The French settlers built pretty houses, planted vineyards and flower-gardens, and lived chiefly upon the expenditure of the Government establishment, assisted by the whaling vessels frequenting the

well wooded, the work of clearing was to prove easier than it had been in the Hutt valley near Wellington, while the open country was within easy reach.

Another great advantage which the later colonists enjoyed over the Company's pioneers lay in the careful preliminary preparation that the lands on which they settled had undergone. The preparations for the reception of the Scotch settlers had started as early as 1844, when Mr. Tuckett bought the Otago block from the natives.¹ By the middle of 1847 100,000 acres had been surveyed,² so that, when the settlers arrived at the beginning of the following year, they found that they could commence operations at once. In the case of the Canterbury settlement the preparations were on a much more elaborate scale. Captain Thomas landed at Port Cooper in 1848 with a credit of £20,000 at his call³—a much larger sum than had been entrusted to any other pioneer of settlement in New Zealand. He proceeded to spend every penny of it and

harbour. Akaroa was a large restaurant for the South Sea whalers. Whaling was profitable; money flew about freely, and the restaurateurs made little fortunes without the trouble of engaging in any particular agricultural industry. But times changed. The French Government, finding their political views defeated, withdrew their support from the place. The Nanto-Bordelaise Company transferred its interest to other hands. The whales deserted the coast; the whaling-stations were abandoned to the rats; and the whaling ships ceased to frequent the harbour. No more money came to Akaroa. There was no extent of cultivated land, no market for produce, no articles of export. Some of the settlers returned to France, some died, others went to the diggings, none came to supply their place. Those who remained behind, having no motive for exertion, lived quietly on their means; houses became deserted, rotten, ruined; the land was allowed to go out of cultivation; the fences disappeared piecemeal; the roads cut by the French Government became choked with shrubs and fallen trees, the timber bridges over the creeks rotted unheeded, and so completely did the *laissez aller* system prevail amongst all the parties concerned, that even the fine magasin, or store, built by the French and now used by the Government as a Post Office and Custom House, had been allowed to fall into a ruinous state of decay.' Article in the *Lyttelton Times*, 18th Nov. 1854. The writer was a resident at Akaroa.

¹ FitzRoy to Stanley, 10th Dec. 1844 (Encl. 1). *P.P.* 1845, xxxiii. p. 296.

² T. M. Hocken, *op. cit.* pp. 74-83.

³ Draft of Instructions to Captain Thomas, undated. C.O. 208/114.

then applied for more.¹ Except in one particular—the attempted road over the hills from the port town to Christ Church, the capital, which he failed to complete and which was not destined to be completed for many years—Thomas made an excellent use of his credit. When Godley arrived at Lyttleton in April, 1850, eight months before the arrival of the ‘Pilgrims’, he was ‘perfectly astounded’ with what he saw :²

In the first place, there is what the Yankees would call a ‘splendid’ jetty ; from thence a wide, beaten-looking road leads up the hill, and turns off through a deep cutting to the eastward. On each side of the road there are houses scattered to the number of about twenty-five, including two ‘hotels’ and a Custom-house. . . . In a square, railed off close to the jetty, are four excellent houses, intended for emigrants’ barracks,³ with a cook-house in the centre.⁴

Godley felt sure

that the advanced and prepared look of Lyttleton will naturally influence the character of the colony, by encouraging and welcoming the first settlers, and producing upon their minds pleasant *first* impressions.

He went on to say,

much of the deterioration in manner, costume, and even in more weighty matters, which we all see and deplore in colonists, may doubtless be traced to the coarse, rough, scrambling life which they are compelled to live during the early days of settlement, and which becomes habitual and traditionary among them.⁵

But there was one thing even more important than these pleasant appearances, and that was, as Wakefield had exclaimed in a letter to Godley, ‘The survey, the survey, the survey’.⁶ In this respect too the Canterbury colonists were extremely

¹ He borrowed £3,700 from Mr. Fox, the Chief Agent of the N.Z. Company. (Alston to Earl Grey, 4th Sept. 1850. *P.P.* 1852-3, lxv. p. 357). Some time later Godley borrowed £2,500 from Governor Grey. (Governor Grey to Earl Grey, 14th Nov. 1850. *P.P.* 1851, xxxv. p. 635.)

² *Godley’s Journal*, 22nd April, 1850. *Canterbury Papers*, p. 180.

³ Such barracks were also being erected at the site of the chief town. Godley to the Secretary of the Canterbury Association, 23rd April, 1850. *Ibid.* p. 188.

⁴ *Godley’s Journal*, 22nd April, 1850. *Ibid.* pp. 189-90.

⁵ *Ibid.* p. 194.

⁶ Wakefield to Godley, 22nd June, 1850. *The Founders of Canterbury*, p. 290.

fortunate. On their arrival they found the sites of both Lyttleton, the port town, and of Christ Church, surveyed into sections. They also found about 700,000 acres triangulated, and the maps of 300,000 acres of 'the best agricultural land' completed in detail.¹ For the Canterbury Association had determined to adopt the 'real survey' of Felix Wakefield's pamphlet on *Colonial Surveying*.² No such survey had as yet been attempted in New Zealand or in any other British colony.³

Taught by the experience of the older colonists the projectors of the later settlements had come to realise fully the importance of the pastoral interest in a country like New Zealand. Accordingly, while the settlers of Wellington, Nelson and New Plymouth had no pasturage provisions attached to their terms of purchase until the year 1849,⁴ such provisions were included in the Otago and Canterbury 'terms' from the very first. The Otago provisions were the same as those promulgated for the three older colonies, and those of Canterbury exacted a fee of sixteen shillings and eightpence for 100 acres of pasture land.⁵

The later settlers found a trade connection with Australia in process of establishment, and they had not been long in their new homes before the era of regular steam communication dawned for the colony.⁶

Finally, they received the boon of self-government practically on their arrival. The concession was no unimportant one. As Godley wrote to a friend :

I would rather be governed by a Nero on the spot than by a board of angels in London, because we could, if the worst came to the

¹ *Godley's Journal*, 22nd April, 1850. *Canterbury Papers*, p. 195.

² See above, p. 148, n. 4.

³ *Ibid.* 'Nothing I have ever seen, out of England, comes up to our surveys, and all the surveyors employed on it, whether on the staff or by contract, are delighted with it.' Thomas to Godley, 27th Jan. 1850. *Canterbury Papers*, p. 145.

⁴ See above, pp. 151-2.

⁵ In the case of members of the First Body of colonists. Others had to pay 20s. (*Canterbury Papers*, p. 63.) These regulations were entirely altered as soon as the colonists got the control of their affairs into their own hands. See below, p. 343.

⁶ See above, p. 156.

worst, cut off Nero's head, but we could not get at the board in London at all.¹

It meant everything to the settlers that they should be able to order the details of their lives and business as they chose, and, in particular, to alter such of the terms under which they had gone out, as, having been made in London, might prove unsuitable to the conditions in the settlements.² Fortunately the Constitution of 1852 gave them all the power they needed. It is true that it placed a General Assembly over their Provincial Councils, but that Assembly remained for many years a mere shadow, content to entrust the substance of legislative power to the Councils.³ On the whole those of Canterbury and Otago performed their functions well. There were, of course, many lapses from the strait path of administrative virtue, but on the whole—the members being what they were, untried and busy men—these lapses were surprisingly few. Most of them occurred in the realms of finance and in the way of speculative borrowing and of over-expenditure during periods of prosperity. But if the Councils easily fell into errors, they were also quick to retrieve them, and always they were careful to husband their chief resource, the land.

We may thus say, in concluding this section, that Otago saw the carrying out of the Wakefield system in its economic and

¹ *Writings and Speeches of J. R. Godley*, p. 18.

² Godley felt this so strongly that the Canterbury colonists had hardly arrived in New Zealand when he urged on the Association the propriety of transferring its charter to the settlement. 'It is time', he wrote to Adderley in 1851, 'to get rid of the Canterbury Association, which attempts too much to meddle with details best left to the colony itself. The people come out from England', he continued, 'in nowise radical or bitter against authority. After a short apprenticeship of colonial agitation, however, they get bitter, abusive, disloyal, democratic, in short, colonial. This process has made the Wellington and Nelson people Chartists in about eight years; how long will it take to chartise Canterbury?' W. S. Child Pemberton, *Life of Lord Norton*, pp. 97-8. On this question of self-government Godley broke with Wakefield who was ready, if need arose, to force his theory down the colonists' throats. He assailed Godley with violent abuse, and the breach thus caused was never healed, since after 1850 they did not meet again.

³ As late as 31st Aug. 1859, the *Lyttleton Times* could still write that when the settlers spoke of the 'Government' they meant the Provincial Government save, perhaps, at Auckland.

political aspects, and that it was carried out in all its aspects—economic, social and political—and under the most favourable circumstances in the foundation of Canterbury.

In how far did these 'colonies', in which the Wakefield system thus received its fairest trial, escape the troubles of the New Zealand Company's settlements?

It must be said at once that they did not manage to avoid the struggles which have to be undergone by all pioneering communities.¹ The handful of settlers at Otago—in October, 1849, there were throughout the block only 88 houses, containing 93 families, or 444 souls—lived for a long time in the day of small things.² Fortunately for them, there was, quite near to Dunedin, their 'capital' town, where the majority of them were located, and which was itself situated amid picturesque hills at the head of Otago Harbour, a tiny English settlement,³ a relic of the whaling days, which during the first years supplied them with food.

Immediately after their arrival the Scotch settlers started on the task of subduing the wilderness so as to produce food for themselves. But it was hard work, each family for itself, and only their determined perseverance and sterling worth⁴ carried them through. Dr. Hocken writes:

By degrees little houses sprang up in every direction, the usual order of architecture being that of 'wattle and dab';⁵ saplings

¹ See above, chap. vi.

² At the date of the fifth anniversary there were 110 houses and 700 inhabitants. C. Stuart Ross, *The Story of the Otago Church and Settlement* (Dunedin, N.Z. 1887), p. 24.

³ At the head thereof was a Mr. John Jones from New South Wales. *Ibid.* p. 25.

⁴ 'I hear that Bellairs is very much pleased with the Otago people, and I have myself some gratifying proofs of the inflexible worth of the Scottish people there who are the great majority. The patriarch Cargill is firm as a rock in the principles and ideas with which he started, and he is the trusted leader of that settlement.' (Wakefield to Rintoul. No. 32 of the letters in B.M.M.S.S. Add. 35261.) Bellairs was the Captain Bellairs mentioned on p. 317.

⁵ An even more primitive architectural method was that resorted to by Mr. James Adam, who afterwards became an important personage in Otago. 'On my leasehold there was a clump of maple trees, but before cutting them down, I stretched a line through them for the ground plan of the house: trees which coincided with this line I left

were fixed side by side, and the interstices filled with clay, the roof was thatched with the tussac grass, which everywhere abounded, or with shingles, the chimney was a huge clay inglenook, to which the house was appended, and was well suited to the consumption of huge logs. Glass was scarce, so windows were small. Furniture was scanty and primitive, a bunk in the corner for a bed, the section of a tub for a chair, or a log, or a whale's vertebra brought from the Heads. The clean, yellow clay made the best of floors, and two rooms, a 'but and a ben', made the whole mansion.¹

The settlers' regular dress was a 'blue woollen shirt or blouse, moleskin or cord trousers, strong boots and felt hat'²—a costume that had to do even for church. For a long time there was no money³ in the settlement, and exchanges were effected by way of barter. Instead of ploughs, 'the spade furrowed the ground', while 'flails threshed the seed, the breeze winnowed it, and hand mills ground it'.⁴

The struggles of the Canterbury colonists were of a somewhat different nature. Their mode of life was not quite so primitive as that of the Otago settlers. Instead of the 'wattle and dab' huts of Otago, the Canterbury settlers erected neat, wooden houses,⁵ having in some cases brought their frames all the way from England. Again, though labour was never plentiful, the better-off families never had to do all their work with their own hands. Nor had the agriculturists among them any stubborn bush to contend with, since the agricultural town was situated on the

standing, merely cutting off the tops, and those which were out of the line were cut down and put in the line by digging holes. . . . The natives then put small wands or wattles across the uprights about twelve inches apart, fastening them firmly with strips of flax, and over all they laced the long grass to the wattles, did the same over the roof, and at the end of four days my house was habitable.' *Twenty-five years of Emigrant Life in the South of New Zealand*, p. 37.

¹ *Op. cit.* p. 101.

² *Ibid.* p. 130.

³ Shortly after the inauguration of the Provincial *regime*, 'we find that though in possession of a surplus Provincial revenue of £1,100, yet the Sub-Treasurer was compelled to refuse payment of the salaries of the Government officials, and could not find metal currency to the value of £6 to cash the notes of the Colonial Bank of Issue, which were declared by law to be Legal Tender'. C. Stuart Ross, *op. cit.* pp. 29-30.

⁴ T. M. Hocken, *op. cit.* p. 130.

⁵ R. B. Paul, *Letters from Canterbury* (London, 1857), pp. 57-63.

bare Canterbury plains. But they had their own difficulties. The absence of wood was in one sense a grievous disadvantage, for it meant that 'every foot of timber, every post and rail, every stick of firewood' required by the colonists had 'to be imported at more or less expense'.¹ Another disadvantage was the entire absence of land communication between Port Lyttleton and Christ Church. This must have proved all the more disappointing to the settlers because once Christ Church had been reached there was no difficulty at all about building roads—they practically built themselves across the level plains.² For many years the Sumner Road,³ as the settlers called the road that Thomas had started and failed to complete, remained the crux of their problem. The Provincial Council grudged the funds to build it properly, and, though it was formally opened for traffic in 1857, no traffic did in fact pass across it save the light cart of the Superintendent, which, having started with a number of passengers on board, had not gone very far before its only occupant was the driver.⁴ All transport between the port and the plains had thus to be by water. Fortunately the rivers Heathcote and Avon, on the latter of which Christ Church was situated, were navigable for small craft for some miles from their source, and quays were erected at their respective heads of navigation. But the transport charges proved exorbitant—it cost half as much to transport goods from Lyttleton to Christ Church as it had cost to bring them from London to Lyttleton.⁵ Moreover, transport was often delayed by heavy seas, and the merchants of Christ Church were thus not infrequently subjected to severe losses.⁶

¹ *Lyttleton Times*, 17th Nov. 1860.

² 'The facility with which the settlers have been able to get about the country, without great outlay or detention in the formation of roads has been one main cause of the rapid progress which this settlement has made. . . . The first settler who plunged into the interior steered by compass over the plain, and was followed by others, until a well-beaten track was established.' *Canterbury Papers* (2nd series), p. 10.

³ Sumner was the name given by Captain Thomas to a site on the River Heathcote, destined for a township which never materialised.

⁴ C. L. Innes, *Canterbury Sketches* (Christ Church, N.Z. 1879), pp. 66-7.

⁵ *Canterbury, New Zealand*, in 1862 (published with the approval of the Provincial Government), p. 18.

⁶ *Lyttleton Times*, 20th Dec. 1851.

Nor did the colonists' troubles end here. During their first years in the colony the Australian gold diggings threatened to ruin their settlement entirely by drawing off its whole available labour supply.¹ Though much land had been bought lately, wrote the *Lyttleton Times* on 9th May, 1860, very few additional acres had been cultivated during the past three years; and it attributed this result to the want of communications and to the high rate of wages. The latter evil, it continued, was due in the first place to the Australian diggings which, besides abstracting labourers from the settlement, had, by raising high the price of necessaries, first stimulated agriculture unnaturally and then almost ruined it. It was due in the second place, the journal rightly remarked, to the over-activity of the Public Works Department of the Government.² This brings us to the last item in the catalogue of difficulties. Though the Canterbury colonists never suffered from an absence of capital whether in the shape of money or agricultural implements, they did suffer from a series of commercial 'crises' which their more plodding neighbour in the South escaped, at least during its first years. There was one in 1856, which was caused by the extravagance of many parties from the Government³ downwards, and which, according to the *Lyttleton Times*, threatened to involve the ruin of some of the small farmers who had lately bought land with borrowed capital.⁴ Another occurred in 1859, when the Government ran into debt and was forced to discontinue public works.⁵

The Wakefield system had, of course, nothing to do with these troubles. Rather, as we shall show, its complete application shortened the period of suffering and brought prosperity to the settlements, and more especially to Canterbury, at a comparatively early date.

It also acted beneficently in other ways. To the carefully selected communities of Otago and Canterbury could be entrusted the government of their respective territories almost immediately on their arrival—a thing unheard of since the era

¹ On 2nd July, 1853, the *Lyttleton Times* in a leading article actually advocated the introduction of selected Chinese labourers.

² *Lyttleton Times*, 9th May, 1860. ³ *Lyttleton Times*, 8th March, 1856.

⁴ 9th Feb. 1856.

⁵ *Lyttleton Times*, 9th May, 1860.

of American colonisation. Nor was the trust misplaced. Of all the Provincial experiments, the one conducted at Canterbury, whose society had been more carefully selected than that of any other community, proved on the whole the most successful. The Otago people were too inexperienced—'Parliamentary forms were unknown to us', wrote one of the members of their Provincial Council, 'and we groped our way through these things like schoolboys learning their lessons'.¹ They consequently stuck with a blind persistence to as many of the forms as they could lay hold of, completely missing their informing spirit. Hence issued a number of tragi-comic situations, and in particular a state of chronic disagreement between the Executive and the Council, due to the obstinate attempt to apply Responsible Government theories under adverse conditions.² At Wellington Provincial Council elections were at times disgraceful, and Provincial politics were, on the whole, unsavoury.³ At the outset Canterbury fared better⁴ than its southern neighbour, because the leaders of the community were more experienced and better educated men, who had already, while yet in England, deliberated on the affairs of the prospective settlement, having acted, under the eye of Godley and Wakefield, as a Colonists' Committee.⁵ This Committee had continued its sittings in the colony until the summoning

¹ James Adam, *Twenty-five Years of Emigrant Life in the South of New Zealand* (Edinburgh 1876), p. 67.

² That is to say, with the Superintendent (the head of the Executive) and the Council both elected directly by the people.

³ The *Lyttleton Times* often found occasion to deplore the tone of provincial politics at Wellington. See the number dated 18th Nov. 1857, and various numbers during the months January–August, 1859.

⁴ The first Superintendent persuaded his Council to acknowledge the obvious fact that the Provincial Council of Canterbury was not a body analogous to the British Parliament. The Council agreed that the Executive should not be entirely at its mercy. (J. of P. Cant. P.C. vol. i. p. 203.) This wise decision did not, of course, deliver the Provincial Legislature from all the ills of popular assemblies. In particular it not infrequently passed hasty resolutions which, like the Athenian Ecclesia, it was forced, on calm reconsideration, to rescind.

⁵ They called themselves the Council of Colonists and were elected by the land purchasers under the Canterbury scheme in order to represent their interests. *Canterbury Papers*, p. 112.

of the First Provincial Council.¹ The meeting of that assembly was the occasion of the delivery of an address by the Superintendent dealing with many complicated matters of Church and State in a manner that would have done honour to a debater in any popular assembly—and the fact that the address was delivered to an audience of twelve gentlemen sitting in a printing-office² merely serves to heighten its impressiveness.

One would have expected the Canterbury community to exhibit certain features not found in other New Zealand settlements. And so the event proved. It is true, indeed, that the settlers lived in much the same manner, as far as externals went, as all new communities do, though when Wakefield arrived in the settlement³ in 1853 he already found a civilisation which 'in respect of drawing-rooms and ladies' elegancies is quite surprising'.⁴ They even enjoyed exactly the same amusements as the inhabitants of Wellington had done during

¹ Shortly after the First Body of colonists arrived in the settlement the franchise of the Society of Canterbury Colonists had been extended so as to include all the adult males inhabiting the Canterbury settlement. (*Lyttelton Times*, 13th March, 1852.) Godley acted as far as possible in accordance with the wishes of its Committee. *Writings and Speeches of J. R. Godley*, p. 180.

² C. L. Innes, *Canterbury Sketches*, p. 40.

³ Wakefield had emigrated to New Zealand as soon as he felt that the Canterbury Association could get on without him. He thus fulfilled a desire that had haunted him ever since the days of the New Zealand Association. He went to the colony full of boundless expectations and ambitions. On 29th April, 1853, he wrote to his sister: 'All looks well for the future, so far as the future may be affected by my obtaining an influence in the country greater than anybody else.' (No. 33 of B.M. MSS. Add. 35261.) But his ambitions were doomed to grievous disappointment. Never was prophet less honoured in his own country than was Wakefield in this colony of his. It is true, indeed, that he was elected as member to the General Assembly for the Hutt district of Wellington. But here his successes ended. He found himself an object of distrust and vituperation in the first Assembly of New Zealand. Most of the newspapers joined in the abuse, and among them the *Lyttelton Times*, which wrote, on 20th Sept. 1854, that his career had been 'a system of unblushing falsehood ever since he has appeared amongst us'. Soon after the dissolution of the Assembly Wakefield fell dangerously ill. He lingered on in the complete seclusion of a sick-room until his death at Wellington in 1862.

⁴ Wakefield to his sister (Mrs. Torlesse), 8th Feb. 1853. No. 29 of B.M. MSS. Add. 35261.

the first few years after its foundation, except for the fact that, being a more English community, the game of cricket played a larger part in their sports budget, and for the other fact that their Provincial Government, which was obsessed with a truly Puseyite love of ceremonial, indulged them with processions¹ that had been denied to the colonists of the older settlements. But what really distinguished Canterbury from the other settlements was the relatively mature tone of its society. Wakefield much preferred the Canterbury colonists to those of Wellington, where he objected to the 'greedy selfishness that pervades society'.² Canterbury was the one settlement during these early days that could boast two newspapers which did not abuse each other.³ One of them,⁴ the *Lyttelton Times*, was, with the *Nelson Examiner*, easily the best-conducted paper in the colony. It eschewed personalities from the very beginning. Some of its articles possess distinct literary merit. And in the number and character of its advertisements⁵ the curious investigator can ascertain how far the Canterbury settlement surpassed the earlier 'colonies' in the manner of its foundation and growth.

In another respect also the fortunes of the Canterbury settlement justified the ideas of Wakefield and his school. He had ever been firmly convinced of the practicability, and therefore advisability, of sending out a strong First Body of settlers to found a settlement in opposition to the view, held by Bishop Selwyn⁶ and other men of experience, that the colonists should

¹ One such procession, 'with' [says the *Lyttelton Times*] 'a carefully constituted display of pomp and circumstance' took place in Jan. 1858 on the occasion of the laying of the foundation stone of the Government Offices, and another in July, 1861, when 'the first sod of the railway was turned by His Honour the Superintendent'. C. L. Innes, *op. cit.* pp. 75 and 127.

² Wakefield to Rintoul, No. 32 of B.M.MSS. Add. 35261.

³ *Writings and Speeches of J. R. Godley*, p. 253.

⁴ The other was the *Canterbury Standard*, which, however, flourished only for a very short time.

⁵ On 6th March, 1852, its proprietors commenced the publication of a four-page advertisement supplement, the body of the paper consisting of eight pages, of which two were likewise taken up by advertisements. After 2nd Sept. 1854, the paper appeared twice, instead of once, a week.

⁶ *Canterbury Papers*, pp. 32-6.

go out 'in dribblets', no section of them being sent out until its predecessor was firmly established. In the foundation of Otago and Canterbury the two methods were tried side by side, and the contrast between the early fortunes of the two provinces proves the efficacy of Wakefield's method. Though founded almost three years after Otago, Canterbury at once leapt ahead of its neighbour, not merely in production, but in all manner of social amenities, nor was the balance redressed until the discovery of gold at Otago in 1861.

The successful establishment both of Otago and Canterbury proved that the speculative buyer was by no means the *sine qua non* which the New Zealand Company appeared to believe when it was founding its first three settlements. His elimination proved to be, on the contrary, an enormous advantage, for the two later 'colonies' were thereby saved from the twin evils of absenteeism and unemployment, while speculative pursuits were from the outset duly subjected to agricultural. The separation of the agricultural and the trading¹ communities in both the settlements, and the predominant importance of the former,² emphasised the agricultural character of the settlements. Both Christ Church and Dunedin were for a long time not so much towns as straggling agricultural villages with their houses sparsely scattered amid the surrounding fields. To the town of Christ Church was allotted 1,000 acres of territory—a ludicrously large area when the population of the town is considered.³ Flax long flourished in the main thoroughfares of Dunedin,⁴ and as late as 1859 we read about Christ Church that 'a portion of the Square has been enclosed and will be

¹ Which were settled chiefly in the port towns of Lyttleton and Port Chalmers.

² It was not long before a great deal of trade was carried on at Christ Church and Dunedin, but it was a trade in agricultural and pastoral produce.

³ The town consisted originally of 600 acres, but in 1857 400 were added. (*Lyttleton Times*, 13th May, 1857.) In the same year its population was 953. *Ibid.* 16th Dec. 1857.

⁴ In 1856 Mr. W. H. S. Roberts put up at the Royal Hotel in Princes Street after an overland journey from Christ Church. 'There was no room in the stable for our horses, so after giving them some oats, we tethered them out amongst the flax, under which a scanty growth of grass struggled for existence.' *The History of Oamaru* (Oamaru, 1890), p. 27.

planted next year'.¹ The town was to retain this agricultural character for many a year to come.

Wakefield could point to Canterbury as a shining example of the success of the 'high-price' system. When the control of their waste lands was handed over to the provinces,² Canterbury alone continued to charge a high price for its lands. While none of the other provinces were charging more than ten shillings an acre, Canterbury refused to fix its price below forty shillings.³ And the result of this decision was not, as had often been predicted, that settlers were drawn away from Canterbury to the provinces where land was cheap. It was not even that these provinces were preferred to Canterbury by colonists coming from Great Britain. Nor were labouring emigrants deterred from going thither, for in spite of the fact that the Provincial Authorities defrayed only half their passage money,⁴ they emigrated to Canterbury in large numbers.⁵ Another result was that the land revenue of the province, though subject to considerable fluctuations, greatly exceeded that of the other provinces,⁶ furnishing the funds so indispensably needed for public works and immigration, and serving at the same time as a security for the heavy loans which the Government found it necessary to raise. On 16th December, 1856, the *Lyttleton Times* wrote that the experience of Canterbury had fully demonstrated the efficacy of the high price, adding that all the restrictions yet heard of that had been put on low-priced land had failed to secure the advantages of the 'high-price' system. It was not long before the neighbouring province of Otago experienced the justice of these remarks. For after having for some years tried the 'low-price' system with various 'restrictions' in the shape of improvement clauses,⁷ the Provincial

¹ C. L. Innes, *op. cit.* p. 105.

² This was what it came to in practice, though the Central Government retained a nominal control. J. of P. Cant. P.C. vol. i. p. 181.

³ This was twenty shillings less than the price charged by the Canterbury Association. The Provincial Council did not feel itself justified in appropriating any definite proportion of the proceeds of land sales to religious and educational purposes. J. of P. Cant. P.C. vol. i. p. 146.

⁴ *Canterbury, New Zealand, in 1862*, pp. 45-6.

⁵ By 1862, 7,200 'assisted' emigrants had gone to Canterbury. *Ibid.*

⁶ Until about 1859, when Otago took the lead.

⁷ Otago P.C. Ordinances, 1856, No. 13, Cl. 1.

Council was obliged to confess in 1866 that the restrictions had proved inoperative.¹ Already in 1860 it had raised the price of the waste land of Otago from ten to twenty shillings per acre.²

Otago and Canterbury surmounted their pioneering difficulties much sooner than had the Company's three settlements. In the case of Otago it was the year 1856 that saw the turning of the tide. The settlement, which up to that year had advanced slowly and painfully, suddenly began to march forward at an accelerated pace—a pace that was kept up until 1861, when the discovery of gold provided a fresh stimulus to progress. The population of the settlement, which had only advanced from 1,800 to 2,400 during the period 1851-4,³ was 3,800 in 1856,⁴ and by 1860 had jumped to 12,961⁵—less than 2,700 behind that of Canterbury.⁶ Certain other returns are no less significant than those of population. During the year 1856-7 the land revenue rose at one bound from a few thousands of pounds to £10,783.⁷ The capabilities of the province had evidently become known and the great migration of capital set in. The value of its imports rose from £11,000 in 1853 to £60,000 in 1856,⁸ and in 1859 all but touched a quarter of a million.⁹ The exports of the same three years were valued at £770,¹⁰ £26,000,¹¹ and £83,720¹² respectively. Agricultural villages were springing up in various parts of the province, at Oamaru, and on the fertile Taieri and Tokomairiro plains, and pastoral runs were spreading towards the limits of exploration on the fringes of the great Western range. With an increased revenue at its disposal the Provincial Council launched out on bolder policies. In 1856-7 it voted £20,000 for immigration,¹³ and in 1859 about the same sum for roads.¹⁴ The new period needed new measures and other men. Chief among the measures was the creation of Town and Road Boards in order

¹ In the same year they were all abolished.

² V. and P. Otago P.C. vol. ii. session ix. pp. 15, 24-30.

³ *Blue Book* for 1853-6.

⁴ *Ibid.*

⁵ *Blue Book* for 1860.

⁶ *Ibid.*

⁷ *Blue Book* for 1853-6.

⁸ *Ibid.*

⁹ *Blue Book* for 1860.

¹⁰ *Blue Book* for 1853-6.

¹¹ *Ibid.*

¹² *Blue Book* for 1860.

¹³ Otago P.C. Ordinances, 1856-7, No. 11.

¹⁴ *Ibid.* session viii. No. 34.

to cope with the growing need of local government.¹ With regard to men, the patriarch Cargill, with his cautious and persevering spirit, feeling that his work was now done, resigned the Superintendentship of the Province in 1859 and was succeeded by the merchant-adventurer McAndrew, who, when he met his Council for the third time, astounded every member with his magnificent schemes.² Before the end of that very year the first ³ gold rush had occurred, and brought McAndrew's visions within the realm of practical politics. Another gold rush, bigger ⁴ than the first, took place in the following year, and Otago, not so long before the Cinderella among the New Zealand settlements, stepped into the premier position among them.

Canterbury's advance to comparative affluence had been even more rapid than that of Otago. The province had an exportable surplus as early as 1853. In the same year, after the harvest, it became self-supporting, and remained so ever since.⁵ After 1856 progress was rapid. During the period 1856-60 its population advanced from 6,200 to 15,370,⁶ a total that was surpassed only by Auckland among the New Zealand provinces.⁷ Between 1856 and 1858 the area of land in cultivation increased from 8,000 ⁸ to 14,000 ⁹ acres. By 1857 the land round Christ Church was already in a high state of cultivation, and homesteads were dotted all along the road to

¹ *Ibid.* 1855, No. 23a.

² They included 'the recovery of a portion of Dunedin Harbour from the sea' at a cost of £33,000, the construction of 'a main line of road from Dunedin into the interior of the province', and a proposition which 'will be startling to some', being 'neither more nor less than the establishment of the Panama Route between Great Britain and the Australian Colonies' by the Provincial Government of Otago. According to McAndrew the 'proposition' would cost £60,000. V. and P. Otago P.C. vol. ii. session xi. pp. 6-7.

³ By the end of October the population of Otago had been increased by over 13,000 souls. It then numbered 28,683, which was an increase of 317 per cent. on the 1858 total, and 3,456 more than the entire population of N.Z. in 1851. *Blue Book*, 1861.

⁴ Within one week 4,000 miners from overseas arrived at Dunedin.

⁵ *Canterbury Papers* (2nd series), p. 29.

⁶ *Blue Books* for 1853-6 and 1860. ⁷ *Lyttleton Times*, 6th July, 1851.

⁸ *Blue Book* for 1853-6.

⁹ *Lyttleton Times*, 9th May, 1860.

Lyttleton.¹ At the same time other agricultural districts were being opened up, especially in a northerly direction from Christ Church.² On 16th December, 1856, the *Lyttleton Times* wrote that the whole available country in the province was beneficially occupied by sheep and cattle farmers. In 1857 there were only a few miles of made roads in the province,³ but after that date road-building was pushed forward with great zeal;⁴ for the coffers of the Provincial Government were full. The receipts for the financial year 1858-9 totalled £74,500, of which £58,000 was derived from the sale and lease of waste lands and £11,500 from Customs.⁵ But the Government was not satisfied with this huge revenue, and actually spent £107,000, devoting £75,000 thereof to public works.⁶ Fortunately its credit was good—better, as they said at Canterbury, than that of any other province in New Zealand. A few years later its good name on the London money-market stood the province in good stead. For the Government had determined to solve the transport difficulties of the province once for all by means of a *coup*, striking under any circumstances and magnificent for a settlement but ten years old.⁷ The idea was to tunnel through the hills round the port town and to connect Lyttleton and Christ

¹ R. B. Paul, *Letters from Canterbury* (London, 1857), pp. 58-63.

² According to the census of 31st March, 1857, the distribution of the population within the Canterbury Province was then as follows: Christ Church 953, Lyttleton 779, Kaiapoi and Rangiora 659, Papanui 692, Riccarton 404, Lincoln 438, Avon and Heathcote 541, Sumner 246, Akaroa 608, Port Victoria 226, North Pastoral 183, Middle Pastoral 271, South Pastoral 239. *Lyttleton Times*, 16th Dec. 1857.

³ *Lyttleton Times*, 13th May, 1857.

⁴ In 1862 there were between 70 and 80 miles of metalled roads in the province. *Canterbury, New Zealand, in 1862*, p. 17.

⁵ *Lyttleton Times*, 29th Oct. 1859.

⁶ *Ibid.* The value of the exports for the years 1853, 1856, and 1859 was respectively as follows: £3,400, £18,000, and £133,027; and of the imports: £84,000, £90,000 and £331,871. (*Blue Books for 1853-6 and 1860.*) As at Otago, so at Canterbury, the imports largely represented an influx of new capital.

⁷ In 1858 Godley boasted that, in proportion to its population, the income of Canterbury 'is more than double the amount of public revenue any community has ever had to dispose of since the world began'. *Letters and Speeches of J. R. Godley*, p. 251.

Church by means of a railway.¹ Thereafter it was proposed to extend the railway system throughout the province. Work was started in 1861 and the tunnel was completed in 1865. And thus it came about that Canterbury, the youngest of the settlements, possessed the first railway in New Zealand.

As will have appeared from the foregoing, something of this prosperity, and especially of the prosperity of Canterbury, must be attributed to the Wakefield system. But other factors,² which had nothing to do with that system, also contributed their quota to the result, and ultimately it became clear that, although Canterbury had been the most 'Wakefieldian' of all the New Zealand settlements in the manner of its birth, Wakefield's ideal was as incapable of being realised there as anywhere else.

The Wakefield colony, as we saw, is primarily an agricultural colony.³ Wakefield did, indeed, have something to say about pastoralists, but they came in incidentally, on the fringes, as it were, of his system. The main object of the system was to produce a wealthy landowning aristocracy cultivating their estates with the help of a sufficiency of labourers. That vision was realised as little at Canterbury as it had been in any of the other settlements. The wealthy 'aristocracy' of Canterbury and Otago were not agriculturists but pastoralists or squatters, as they were generally called. Anyone who came to Canterbury in the possession of over £5,000 worth of capital came to invest it in the pastoral industry. To such an extent was this true that Canterbury and Otago have been described by an able writer on New Zealand as 'the pastoral provinces' *par excellence*.⁴ Godley had not been long in the settlement before

¹ For this purpose the Provincial Government borrowed £300,000 on the London market and entered into a contract worth £235,000. *Canterbury, New Zealand, in 1862*, pp. 16-7; *Canterbury Papers* (second series), p. 47.

² The most important, during the first two decades, were gold and wool. Gold was discovered on the west coast of Canterbury a few years after the Otago finds. Gold, wool and grain soon raised the South Island far above the North in population and wealth, a position that it retained until 1901. *N.Z. Official Year Book for 1923*, p. 63.

³ See above, p. 143.

⁴ W. P. Reeves, *op. cit.* chap. xiii. Later grain-growing became as important an industry as wool-growing.

he recognised that the pastoralist was going to be its mainstay. He deplored the fact that with a single exception not one of the First Body had become pastoralists,¹ and in order to accommodate the Australian squatters, many of whom were by this time migrating to New Zealand with their flocks and herds, he determined considerably to relax the pasturage regulations of the Association.² It was better, he argued, that its scheme should be broken up than that its colony should be ruined.

Otago and Canterbury owed a great deal to their pastoralists. As we have seen, they spread rapidly over the face of the country, opening it up in the process and exploring its unknown recesses. When all the land on the eastern side of the mountains had been taken up, they penetrated beyond the first range and found valuable sheep country in the valleys and rugged passes behind it, discovering at the same time that the main range lay further toward the west.³ Many hardships did these pioneers suffer from cold and privation. Their flocks were depleted while crossing rivers which were always rapid and often perilous,⁴ or destroyed by an unexpectedly heavy fall of snow among the mountains.⁵ But the prizes of success were well worth the risks involved. Runs were leased out to the first applicants for them on ridiculously easy terms⁶ and with security of tenure for fourteen years. Once stocked with a

¹ *Letters and Speeches of J. R. Godley*, p. 209. ² *Ibid.* pp. 205-6.

³ See L. J. Kennaway's amusing book entitled *Crusts* (London, 1874). The writer gives a vivid description of an exploring runholder's experiences. He and his brother 'took up' no less than three different runs, going ever further west among the mountains. *Op. cit.* pp. 130, 133, 198, 200.

⁴ L. J. Kennaway, *op. cit.* pp. 50-5.

⁵ Lady F. N. Barker, *Station Life in New Zealand* (London, 1870), pp. 162-73. She gives a vivid description of the hardships her household suffered during the terrible snow storm of 1867. 50 per cent. of their sheep and 90 per cent. of their lambs perished.

⁶ See *Canterbury, New Zealand, in 1862*, p. 19. 'The Otago Government wisely offered sheep-runs for fourteen years to those who discovered them, on payment of a few pounds annually and on the condition that the runs were partially stocked with sheep (500) in six months.' Up to 1866 'the small sum of £4,000 was all the rent the Government received for 6,000,000 acres'. James Adam, *op. cit.* p. 110-1.

few thousand sheep, it was not long before flock-owners found even the most extensive run full to overflowing. For these pastoralists did much more for their respective settlements than merely opening them up. As they had been the chief people to bring in capital, so they were the first to create an exportable return on it. Almost from the beginning wool became the staple product of both Otago and Canterbury.¹ Hence it becomes easy to explain the predominant influence that the pastoralists enjoyed in the Provincial Councils of Otago and Canterbury. During that time they passed laws allowing them, as the phrase went, to pick the eyes out of the land, that is, to buy up the most fertile spots on their runs. But though powerful and wealthy the runholders were few in number and had ultimately to yield their acquisitions before the advancing tide of the New Zealand democracy.

While the pastoralists thus occupied the position that Wakefield had reserved for his landed proprietor, agriculture, in the later as in the earlier settlements, soon passed into the hands of the small men. 'It is notorious', Godley had written to the Canterbury Association in 1851,

that in a new country agriculture does not pay an employer of labour after the first year or two of settlement, owing to a fall in the price of produce consequent on extended cultivation, and the high price of labour which is usually maintained. The market then comes to be supplied by small farmers, cultivating their land with their own hands.²

¹ Already in 1850 there were 129,000 sheep in Otago and 276,000 in Canterbury. *Blue Book* for 1853-6. The weight (in pounds) of wool exported during the period 1853-60 was as follows :

		1853	1854	1855	1856
Canterbury -	-	—	122,600	410,108	728,596
Otago -	- -	5,000	119,233	172,890	340,314
		1857	1858	1859	1860
Canterbury -	-	772,797	1,352,011	1,694,163	2,842,470
Otago -	- -	274,770	573,277	900,862	717,075

Blue Book for 1860. As for agricultural produce, Canterbury exported in 1860, 6,362 bushels of barley, 1 ton of flour, 11,698 bushels of oats, and 10,760 bushels of wheat ; and Otago 311 bushels of barley and 15,307 bushels of oats. *Ibid.*

² *Writings and Speeches of J. R. Godley*, p. 209.

And again,

I cannot too often repeat that in a new country farming will only pay the *working man*, unless through the operation of some stimulus acting on the market over and above the ordinary demand of an agricultural population.¹

With the vision of an agricultural aristocracy there vanished also another portion of Wakefield's dreams—that which had contemplated a sufficiency of comparatively cheap labour. The unprecedented price of £2 per acre, whatever its merits might have been in other respects, failed entirely to restrain labourers from acquiring land. On 16th December, 1857, the *Lyttleton Times* wrote: 'At the present moment there is scarcely an adult in this province who is not a landholder.' Neither Canterbury nor Otago was ever destined to enjoy an abundant supply of labour, except for very short periods. Both found the Land Fund insufficient to supply them with the labourers they needed,² and both had to borrow largely to supplement it.

Nor were the social conditions any more 'Wakefieldian' than the economic. As the years passed they tended gradually to approximate to the type that Wakefield had disparagingly characterised as 'colonial' or 'American'. At Canterbury (and for that matter at Otago also), as in the older settlements the Wakefield system contended in vain against the nature of the country. One of the great merits of the high-price was, in Wakefield's view, that it would cause 'concentration'. But no system in the world could have prevented the dispersion of the colonists in a country which placed no natural obstacles in their way. Nor was it merely the pastoral population that was scattered broadcast over the land. It was not long before agricultural communities were establishing themselves at long distances from the metropolis³—wherever, in fact, fertile lands were to be found.⁴

¹ *Ibid.* p. 215.

² All types of labour were scarce, but the scarcest of all was the maid-servant class. Women writers were especially eloquent on this point. C. L. Innes, *op. cit.* p. 52. Lady F. N. Barker, *op. cit.* pp. 42-4.

³ See above, p. 341, n. 2. By 1860 a township had even sprung up at Timaru, near the southern boundary of the province. *Canterbury, New Zealand, in 1862*, p. 8.

⁴ Even if they happened to be on the runs of squatters. For, after about two decades, the boot was found to be on the other foot, and the

This dispersion naturally produced a primitive state of society. Godley had hoped that the squatters would reside near the metropolis, and only occasionally visit their runs (which for a long time, he thought, would not be more than 50 miles off) and that thus the civilising influences of the capital would spread outward in an ever-widening circle¹. But the circle widened too rapidly for these influences (supposing them to have been present) to penetrate towards its circumference. Most of the pastoral settlers had their runs at such distances from Christ Church that effective superintendence would have been impossible had they lived at or near the capital. And on their runs, wealthy though they might be, their existence was for a long time cast in a very primitive mould. In their 'cob' houses they lived a life of rude plenty, as Lord Lyttleton sketched it when he visited the Canterbury settlement in 1867-8. No one but a person of utterly contented mind could, he thought, endure such an existence. There was practically nothing to do except at the lambing and shearing seasons, and life resolved itself into watching one's flock multiply and one's wool crop increase.² A community whose 'aristocracy' thus occupied itself could not be expected to show many signs of culture. Butler found that the all-engrossing topics of conversation were 'sheep, horses, dogs, cattle, English grasses, paddocks, bush, and so forth'.³ On one occasion, having been trapped into writing ecstatically about the glories of Mount Cook, he thus calls himself to order :

I am forgetting myself into admiring a mountain which is of no use for sheep. This is wrong. A mountain here is only beautiful if it has good grass on it. Scenery is not scenery—it is 'country'.

squatters, so far from being able to pick the eyes out of their land themselves, complained that small agriculturists were doing so. They formed small, and generally ragged, villages on the squatters' lands, and were known by them as 'cockatoos'. Lady F. N. Barker, *op. cit.* 110-3; *Station Amusements in New Zealand* (London, 1873), p. 90.

¹ *Writings and Speeches of J. R. Godley*, pp. 209-10.

² Lord Lyttleton, *Ephemera* (second series), pp. 274-5.

³ *Op. cit.* pp. 33-4. 'I soon discovered', he continues, 'that a person's sheep are himself. If his sheep are clean, he is clean. He does not wash his sheep before shearing, but *he* washes; and, most marvellous of all, it is not his sheep which lamb, but he "lams down" himself'. *Ibid.* p. 34.

subaudi'ta voce sheep. If it is good for sheep, it is beautiful, magnificent, and all the rest of it ; if not, it is not worth looking at.¹

The town was not a whit more interesting than the country. Lord Lyttleton, in 1868, found Christ Church a dull and 'un-kempt' place, and expressed the opinion that of all the forms of life which a man might live in the province that in its capital was the worst.² Indeed, throughout his description of the settlement which he had helped to found there may be detected an undertone of disappointment, though in the end he comforted himself with the reflection that a new colony must always show somewhat more of promise than of performance.³

It is necessary to say a few words about the special feature of the Otago and Canterbury settlements, namely, the class and denominational character which their founders meant to impress upon them. Neither Otago nor Canterbury became church settlements in the sense which some of their founders would have wished. Colonial conditions absolutely precluded the marking off of particular provinces as the domain of a single Church. Godley, ardent churchman though he was, realised the position at once, and by allowing Australian squatters to acquire runs on the same terms as the land purchasers, drove the first nail into the coffin of the denominational idea, which was completely interred when successive Provincial Councils refused in any way to discriminate between different religious sects. If there was anything which the colonists particularly loathed it was the idea of Church domination. This was as true of Otago as of Canterbury, though Captain Cargill, the Superintendent of the province, made a determined effort to keep it a Free Kirk domain. His attempts, however, were defeated by the Provincial Council.⁴

But although the Churches could not expect to succeed in making their form of worship 'the religion of the place', they might have expected to achieve greater power in their respective communities than they actually enjoyed, especially during the formative periods of the settlements. After all, not merely did the large majority of the colonists profess the particular creeds under whose auspices their settlements had

¹ *Ibid.* p. 66. ² *Op. cit.* p. 271. ³ *Ibid.* p. 293.

⁴ V. and P. Otago P.C. vol. i, session ii. pp. 23, 32-3.

been founded,¹ but a large proportion of the money they had paid for their lands went to the support of those creeds. But unfortunately the money was invested in land, and though in both settlements the Church lands ultimately yielded a large income, they were most unproductive when most needed—during the first decade of the settlements' existence.² To this lack of funds (combined with a lack of enthusiasm in the colonists) must be chiefly attributed the melancholy failure of the high hopes of the Canterbury Association. For the latter had seen to it that clergymen should not be lacking, if there were the will and the means to make use of them. Unfortunately there was neither. And so when the first Bishop of Canterbury³ arrived at Christ Church toward the end of 1856 he found that of all the clergymen whom the Association had persuaded to go to Canterbury—one clergyman had gone out with every ship-load of emigrants⁴—only ten had remained in the settlement.⁵ He also found a state of apathy and

¹ In 1858 65.74 per cent. of the inhabitants of Otago were Presbyterians, and 72.88 per cent. of the population of Canterbury belonged to the Church of England. *Blue Book for 1860*, Introd. p. vi.

² At Otago during the first four years the whole income derived from the twenty-two properties selected by the Trustees for Religious and Educational Uses was but £33. (T. M. Hocken, *op. cit.* p. 100. See also W. Gillies, *Presbyterian Church Trust, with Historical Narrative* (Dunedin, 1876)). At Canterbury the rental derived from Church lands was only £140 in 1853, and this had to suffice for all Church and Educational purposes, except for what was voluntarily contributed by churchmen. H. T. Purchas, *op. cit.* p. 45.

³ The Rev. Thomas Jackson, the Bishop-Designate, had been among those who yielded to discouragement, and had left the settlement only six weeks after arrival.

⁴ *Canterbury Papers*, p. 243. It was the Association's aim to establish in Canterbury a body of land-owning clergy who would at the same time perform ecclesiastical functions. (*Ibid.* p. 231.) Godley strenuously and, as the future proved, rightly objected to the project. 'Very great alarm is felt by the colonists', he wrote on 5th April, 1851, 'at the arrival of such a large number of clergy for whom no permanent endowment has been provided. . . . I cannot conceal my own very strong opinion that those who, being invested in the office and character of priests, are compelled to be primarily agricultural colonists . . . are not, generally speaking, the fittest persons to select for the performance of their functions.' *Writings and Speeches of J. R. Godley*, pp. 211-2.

⁵ H. T. Purchas, *op. cit.* p. 39.

inertness everywhere apparent. The Rev. H. T. Purchas writes :

The greatest difficulty was experienced in getting together funds even for the building of churches, or for the payment of clerical stipends. Five small churches had, indeed, been erected, but these were of so poor a character that none of them was deemed worthy of consecration, while the only one of them (that at Lyttleton) which had any architectural pretensions was already in such a dangerous condition that the congregation had abandoned it in terror and were worshipping in one of the original barracks. The clergy were miserably paid, and nearly all of them had to find some supplementary source of income.¹

How different is all this from the magnificent dreams of the founders.² A cathedral, without which it would hardly have been possible for them to conceive of the existence of a Church of England settlement, was not completed at Christ Church until the year 1900.

Education in the settlements was never entrusted, as most of their projectors had hoped, to the care of the respective Churches.³ It is true that for a time there was a system of denominational education at Canterbury, but the Provincial Council subscribed to the funds of all denominations indiscriminately.⁴ At Otago education very soon passed under the control of the Provincial Government.⁵ As for the Canterbury Association's scheme of a college which should spread the rays of culture throughout the land, even unto India and Australia, it was not destined to be realised. For many years Christ's College remained, as Lord Lyttleton found it in 1868, merely a Church school.⁶ Both at Otago and at Canterbury there were complaints by people in responsible positions that

¹ *Ibid.* p. 72.

² 'Why should we not erect there a cathedral', wrote the Rev. J. C. Wynter, who served on the Committee of the Canterbury Association, 'which may be a glorious rival of Westminster or of York? Why not send out a Bishop endowed with the learning of Pearson or of Bull— with the piety of the sainted Wilson— with the gentleness of the accomplished Heber? Why not found an university which may be no mean rival of the scholastic honours of Eton or of Oxford?' *Canterbury Papers*, p. 50.

³ J. of P. Cant. P.C. vol. i. pp. 10-11.

⁴ *Lyttleton Times*, 16th May, 1857. See also J. of P. Cant. P.C. vol. i. pp. 101, 179, 206, 259.

⁵ V. and P. Otago P.C. vol. ii. Appendix to session ix. pp. xx-xxi.

⁶ *Op. cit.* p. 263.

the colonists were so interested in material things that it was difficult to persuade them to make provision for the education of their children.¹ Ultimately it was not Canterbury but Otago that possessed the first University as well as the first High School for Girls in New Zealand.

And yet in spite of all the failures that have been chronicled, it would not be quite true to say that the ideals of the founders of the two later settlements had turned out utter illusions, and that regardless of them Otago and Canterbury soon became even as the other colonies. These ideals were never entirely lost sight of. They remained, especially at Canterbury, as a source of inspiration to the colonists, helping to lift them above the materialistic influences with which they were surrounded.² They also left other and more tangible traces in the settlements. We are not referring to the fact that at Dunedin all the streets bore the names of streets in Edinburgh, while those of Christ Church were called after prelates or dioceses of the Church of England. Rather we are referring to the reality that lay beneath the appearance. For however 'colonial' Otago and Canterbury became as the years passed by they never quite lost their distinctive character of 'class' settlements. As Captain Cargill put it, like has a way of attracting like even in the peopling of provinces.³ The character of the people that had gone out to the settlements originally did much to determine the character of those that followed. Even a cataclysm like the gold rushes at Otago was not able to erase within the settlement all traces of its origin. A discerning Frenchman⁴ travelling in New Zealand at the beginning of the present century found that of all its original settlements Otago was still the most Scotch and Canterbury still the most English.⁴

¹ V. and P. Otago P.C. vol. ii. session viii. p. 4. J. of P. Cant. P.C. vol. i, p. 206.

² 'As like draws like, so the solid and respectable elements in the first selections have attracted and put in motion a progressively increasing stream of emigrants from the old country of a similar character.' V. and P. Otago P.C. vol. ii. session viii. p. 2.

³ A. Siegfried, *Democracy in New Zealand*, chap. xix.

⁴ 'The appearance of the country round Christ Church', wrote Anthony Trollope in 1873, 'is especially English. The land is divided into small English-looking fields, with English grasses, and English hedges'. *Australia and New Zealand* (London, 1873), vol. ii. p. 379.

There remains one final question. What did the two principal founders of Canterbury think of their schemes when they were brought face to face with the realities of colonial life? Wakefield seems to have remained unconvinced of failure to the very end, although the collector of his letters from New Zealand, now preserved in the British Museum, thinks that in spite of his apparent enthusiasm he was at heart disappointed with what he found, and although one of the expressions¹ in these letters may be construed into an admission of failure. Godley, on the other hand, candidly confessed that some of his fine illusions had been shattered, though he maintained that he was not ashamed of having harboured them. In his farewell speech to the colonists he said :

No man in this world can go through any enterprise that has greatness in it without being often and sorely disappointed, because nothing great is ever done without enthusiasm, and enthusiasts are always over-sanguine. When I first adopted, and made my own, the idea of this colony, it pictured itself to my mind in the colours of a Utopia. Now that I have been a practical colonizer, and have seen how these things are managed in fact, I often smile when I think of the ideal Canterbury of which our imagination dreamed. Yet I see nothing in the dream to regret or be ashamed of, and I am quite sure that without the enthusiasm, the poetry, the unreality (if you will) with which our scheme was overlaid, it would never have been accomplished. This colony, full of life and vigour, and promise, as it is, would never have been founded, and these plains, if colonised at all, would have fallen into the hands of a very different sort of people from those whom I see around me.²

On the achievement of the founders he passed discriminating judgment, and spoke with confidence about the prospects of the colonists :

We have a magnificent colony in embryo, certain (humanly speaking) to prosper in a material point of view, as rapidly as any other colony of modern times, and to become within a man's lifetime a great people ; actually containing too within itself as much of the elements of a high civilization as, I now believe, it is possible

¹ Commenting on the sort of people he had met at Wellington and Canterbury he confessed that ' the newest comers from England are the best on the whole '. Wakefield to Rintoul, No. 32 of B.M.MSS. Add. 35261.

² *Writings and Speeches of J. R. Godley*, pp. 173-4.

to plant in a new colony, unless where some forcible instrumentality happens at a particular period to expel from the old a large section of its people. We have a branch of the Church of England planted here, with a competent supply of clergy, and ample permanent endowments. We have provision for the higher and lower branches of education to as great an extent I now find as there is an effective demand for, among a population situated as this is; we have, moreover, to the best of my belief, a more concentrated population, a larger proportion of resident proprietors, and consequently a greater command over the appliances and civilities of society, than has been attained before, under similar circumstances, by agricultural colonists. At the same time that we enjoy these special advantages, there has not been any deficiency in opportunities of profitable employment for labour. On the contrary, considering the inexperience of the colonists . . . there have been wonderfully few instances of actual failure; wonderfully few instances of men who are unable to look forward (through struggles, no doubt, and privations, but still to look forward) to an ultimate and certain competence.¹

These proud claims were not unjustifiable, while the prophecies, as has been shown, were destined to be rapidly fulfilled.

¹ *Ibid.* pp. 172-3.

SOURCES

(A) MANUSCRIPT

1. *Colonial Office Papers in the Public Record Office.*

They consist, as far as New Zealand is concerned, principally of the despatches of Governors and Secretaries of State. Most of these, in so far as they have any public importance, have been published as Parliamentary Papers. The manuscript material is, however, still of value in the study of (a) the shady side of colonial administration, (b) the intimate views of Colonial Secretaries, (c) the influence of the permanent officials, and particularly of James Stephen. The latter's marginal notes to despatches from the colony are often illuminating.

2. *Papers of the New Zealand Company in the Public Record Office.*

When the Company surrendered its charters to Her Majesty's Government it handed over the whole mass of its papers (weighing, in the opinion of Dr. Hocken, 'some tons') to the Colonial Office. They relate to every detail connected with the Company's administration and comprise its accounts, land and other; shipping, land and general policy; correspondence with agents at home and in New Zealand; minutes of committees; and a mass of other material.

3. *New Zealand Papers in the Archives Nationales in Paris.*

These papers relate to the policy of different French Governments with respect to New Zealand during the years 1835-44.

4. *Papers of the Church Missionary Society.*

Correspondence with missionaries, and Reports of Committees. They throw light on the attitude of the Church missionaries towards those of other denominations and on their relations with the colonists and the Maoris.

5. *Manuscript in the British Museum. (Additional 35261.)*

Copies of letters from Edward Gibbon Wakefield and members of his family, written during the period 1815-53, and transcribed for Dr. R. Garnett by Albert J. Allom, of Parnell, Auckland, N.Z., formerly Wakefield's secretary.

(B) PRINTED

1. *Parliamentary Papers.*

Those printed during the years 1837-1860 contain voluminous references to New Zealand, and they are by far the most important printed source for its early history. Besides correspondence with the Colonial Office they include Reports of numerous Parliamentary Committees on New Zealand and South Australia, as well as on such subjects as colonisation, transportation, and aborigines. They also include the General Reports of the Land and Emigration Commissioners.

2. *Journals of the New Zealand Assembly and the Provincial Councils.*

Especially the *Votes and Proceedings* and the *Appendices to Journals* of the House of Representatives, the *Journals of Proceedings* of the Provincial Council of Canterbury, and the *Votes and Proceedings* of the Provincial Council of Otago.

3. *Debates in Hansard.*

Particularly the important debates on New Zealand of 17th, 18th and 19th of June, 1845 (Third Series, vol. lxxxi.), and of 21st and 23rd July, 1845 (Third Series, vol. lxxxii.), and the debates on the New Zealand Constitution of 1852 (Third Series, vols. cxxi. and cxxii.). Also debates on Colonial Government during the years 1847-1852.

4. *Reports of the New Zealand Company.*

Very rare. All those of any importance are preserved in the Library of the Colonial Office.

5. *Newspapers and Periodicals.*

(a) ENGLAND.—Of periodicals, the *New Zealand Journal* is the most important source for the colonisation of New Zealand. The following journals often contain articles on Colonisation and Colonial Government in general: The *Spectator* and *Colonial Gazette*, the *Times* and *Morning Chronicle*. The *Edinburgh Review*, the *Quarterly Review*, and the *Westminster Review* occasionally contain articles on colonial affairs.

(b) NEW ZEALAND.—Each settlement had its own newspaper (or newspapers) from the beginning. The following were the most important during the period 1837-60:

Auckland—*Southern Cross* and *New Zealander*.

Wellington—*New Zealand Gazette*, *New Zealand Spectator*,
Wellington Independent.

Taranaki (New Plymouth)—*Taranaki Herald*.

Nelson—*Nelson Examiner*.

Canterbury—*Lyttleton Times*.

Otago—*Otago News* and *Otago Witness*.

6. *Books and Pamphlets.*

The following is a selection of the most important. [For a full bibliography see T. M. Hocken, *Bibliography of New Zealand Literature* (Wellington, N.Z. 1909)]:

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